



MaristCollege Canberra

Procedures for Managing Child Safety Incidents or Concerns At or Involving the College or its Staff, Volunteers or Contractors

Introduction

For the purposes of this policy, we use the terms “staff” and “staff member” to include all teaching and non-teaching staff, Advisory Council members, volunteers, contractors and external providers.

Complaints involving:

- breaches of the Child Safe Codes of Conduct
- child abuse, neglect or other harm of a current or former student by
 - current or former staff members
 - current or former students and
 - other people on College premises or at College events
- “reportable conduct” as defined in the Ombudsman Act 1989 (ACT)

are managed in a different way to other complaints received by the College. These kinds of complaints are instead managed using the same procedures that we use for managing incidents of or internal reports about this kind of behaviour.

This is because these kinds of incidents, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues.

Child Safety Incidents or Concerns

We call **any** behaviour that may be:

- a breach of our Child Safe Codes of Conduct
- child abuse, neglect or other harm
- reportable conduct

a “child safety incident or concern”.

It does not matter whether the conduct or behaviour is by a staff member, another student, a parent/carer or any other person on College premises or at College events.

Breaches of the Child Safe Codes of Conduct

Marist College Canberra requires all staff members, parents/carers, visitors and other adults in the College community to comply with our Child Safe Adult Code of Conduct.

Staff members must also comply with our Staff and Student Professional Boundaries policy.

Students must comply with our Student Code of Conduct.

Any breach of these Child Safe Codes of Conduct is considered a child safety incident.

Child Abuse, Neglect or Other Harm of a Student

Our child safeguarding policies set out the different definitions and key indicators of child abuse, neglect and other harm of students. The following is covered by these definitions and indicators:

- sexual abuse
- grooming behaviour and grooming offences
- physical abuse
- emotional abuse (including psychological abuse)
- neglect.

In addition to family members, other adults associated with a student can subject the student to these behaviours, including staff members, other students and other people associated with the College.

Reportable Conduct

The College has a legal obligation under the Ombudsman Act 1989 (ACT) (Ombudsman Act) to investigate and report to the ACT Ombudsman any incidents or allegations of “reportable conduct” or “reportable convictions” involving an “employee” of the College.

It does not matter whether the reportable conduct occurred in the course of the employees’ engagement by the College.

“Reportable conduct” includes

- sexual offences and convictions where a child is a victim or is present
- misconduct of a sexual nature that does not rise to the level of a sexual offence
- offences against the person, including physical offences and convictions, where a child is a victim or is present
- ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention)
- psychological harm
- offences against the Education and Care Service National Law (inappropriate discipline or offences relating to protecting children from harm)
- convictions, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct.

For the purposes of reportable conduct, “employees” of the College include:

- Advisory Council
- the Headmaster
- all staff members, whether or not they have contact with children
- Direct Contact Volunteers
- Direct Contact Contractors, and their employees and subcontractors who provide services to children
- students on placement
- ministers of religion, religious leaders and other officers of the College
- people engaged by the College as Volunteers or Contractors to provide services, whether or not the services are provided to children.

Not all physical contact, verbal communication and other behaviour of employees is reportable conduct. Reasonable or accidental conduct is **not** reportable conduct.

Some examples of conduct that is **not** reportable conduct include a staff member touching a child on the arm to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Child Safeguarding-Related Complaints

It is critical that the broader College community tells us about all child safety incidents or concerns that occur at or otherwise involve the College. This enables the College to ensure the safety and wellbeing of students and to comply with its legislative reporting obligations.

We call any reports made to the College about child safety incidents or concerns at or involving the College or its staff members a “child safeguarding-related complaint.”

Making a Child Safeguarding-Related Complaint to the College

If you would like to make a complaint about:

- a breach of the Child Safe Codes of Conduct
- child abuse, grooming or other harm of a current or former student by
 - current or former staff members
 - current or former students
 - other people on College premises or at College events
- “reportable conduct” as defined in the Ombudsman Act

you can do so by:

1. Sending an email to ryangreer@mcc.act.edu.au, the College’s Senior Child Safeguarding Officer the Deputy Headmaster
2. Writing a letter to the College addressed to the Deputy Headmaster
3. Telephoning the College on 02 6298 7200 and asking to speak to the Deputy Headmaster.

If the Deputy Headmaster is the subject of your complaint or allegation of misconduct or reportable conduct, please contact the Headmaster.

Any member of the College community may, at any time, report information that they believe on reasonable grounds reveals the reportable conduct of a College employee, or a reportable allegation about or a reportable conviction of a College employee, directly to the ACT Ombudsman.

The ACT Ombudsman can be contacted by:

Telephone: 02 6276 3770

Email: act@ombudsman.gov.au

Investigating and Managing Child Safeguarding-related Incidents and Complaints

Immediate Actions

Depending on the nature of the incident, complaint, allegation or concern, after receiving the internal report or the child safeguarding-related complaint, the College will:

- determine whether the conduct in question amounts to reportable conduct that must be further investigated and reported to the ACT Ombudsman
- if required by law or by our child safeguarding policies and procedures – report the matter to Child and Youth Protection Services (CYPS), the Police and/or other relevant external agencies.

The College will conduct an initial risk assessment in consultation – if an external report has been made – with the Police or CYPS, to identify and mitigate any ongoing risks to student safety and wellbeing.

The College will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint.

The Internal Investigation

The College will then conduct an internal investigation of the incident or complaint, overseen by the Headmaster, or a delegate of the Headmaster, and/or an external investigator.

However, if CYPS or the Police are investigating the alleged conduct, that investigation takes precedence and the College's investigation will only proceed with their permission.

When conducting the internal investigation, the College references the National Office of Child Safety's Complaint Handling Guide: Upholding the Rights of Children and Young People.

All internal investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know.

Investigating and Managing Behaviour by a Student against another Student

Responding to this kind of child safeguarding-related incident or complaint involves considering the College's duty of care both to any student who is a victim and to the student who is the alleged perpetrator, as well as to other students.

The Headmaster will follow our student discipline policies for these investigations.

Investigating and Managing Behaviour by Non-Staff Members on College Premises or at College Events

Where the child safety incident, or the child safeguarding-related complaint, involves behaviour by a person who is neither a current or former College student nor a current or former staff member (for example they are a parent /carer or a visitor whose behaviour occurs on College premises or at a College event), the College's investigation is generally limited.

It may involve only the risk assessment and a subsequent review of our systems, policies and procedures to ensure future safety and wellbeing of our students.

Investigating and Managing Reportable Conduct and Breaches of the Child Safe Codes of Conduct that Amount to Reportable Conduct

When a child safety incident or concern involves, or a child safeguarding-related complaint alleges, conduct that amounts to reportable conduct, the College is required by law to notify the ACT Ombudsman and to conduct an internal investigation.

When conducting these internal investigations, the College references the **ACT Ombudsman's Practice Guide No. 4 - Planning and conducting an investigation**, which sets out guidance for organisations when planning and conducting reportable conduct investigations under the Ombudsman's Act.

The steps that will be followed for reportable conduct investigations include:

- Planning the investigation (including planning the involvement of the child)
- Information gathering
- Employee response
- Ensuring support during the investigation
- Making findings and determining outcomes/actions
- Taking action.

In addition, further risk assessments are conducted during the internal investigation process.

Investigating and Managing Breaches of the Child Safe Codes of Conduct that do Not Amount to Reportable Conduct

Minor breaches of the Child Safe Codes of Conduct by staff members that do not amount to reportable conduct are managed through our Human Resources policies and procedures relating to discipline and termination.

If a child safeguarding-related complaint has been made about certain conduct, and it is determined through the College's investigation that a minor breach of the Child Safe Codes of Conduct has occurred, the College will notify the complainant of the finding and of the corrective actions that will be taken.

Record Keeping About Investigations

Records are kept at each step of the investigation process including:

- records received or created during investigations (such as notes of interviews and documents received)
- records of findings
- records of actions proposed and taken.

All records generated are held securely.

Reviews of Investigation Procedures and Outcomes

Internal Reviews of Complaint Outcomes

If a child safeguarding-related complaint has been made, the complainant and other people who are involved in the matter (such as a staff member, student who is the alleged victim and their parent/carer) and who are not satisfied with the management or outcome of the complaint may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken and/or
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Deputy Headmaster.

Oversight of Reportable Conduct Investigations by the ACT Ombudsman

The ACT Ombudsman monitors compliance with the reportable conduct scheme in the ACT and oversees investigations of reportable conduct undertaken by the College. The ACT Ombudsman can:

- support and guide the College to conduct a robust and fair investigation
- monitor the College's investigation
- on its own motion or in response to a complaint, conduct its own investigation of the matter or of the College's response.

Any person who believes that the College has inappropriately handled or inappropriately responded to reportable conduct can notify the ACT Ombudsman. The ACT Ombudsman can be contacted by:

Telephone: 02 6276 3770

Email: act@ombudsman.gov.au

Disclosing Information to the College Community

The College cooperates and shares information with relevant external agencies (such as CYPS or Police) to determine when, what and by whom information can be shared.

Sharing Information with Parents/Carers and Students

The College works to ensure that the parent/carer of a student who is an alleged victim of a child safeguarding-related complaint, or any child safety incident or concern occurring at or involving the College, has access to and disclosure of information relating to their child, working within the legal and regulatory framework and associated information sharing practices as they apply.

Sharing information with the wider College community

The College takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a child safeguarding-related complaint, before providing any information about it to the wider College community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim.

Generally, information that may identify the victim of the incident, concern or complaint will not be shared with the wider College community without the consent of the victim and/or their parent/carer.

Further, if the matter involves reportable conduct, the Ombudsman Act enables investigation information, or other information relevant to the safety, health and wellbeing of a child or class of children, to be shared only in limited circumstances and with particular people and organisations.

Where to Find More Information

For more information about our policies and procedures relating to the College's management of child safety incidents or concern occurring at or involving the College or its staff members, child safeguarding-related complaints, or complaints handling generally, please contact the Deputy Headmaster.