



PROCEDURES FOR MANAGING CHILD SAFETY INCIDENTS- COMMUNITY INFORMATION

PROCEDURES FOR MANAGING CHILD SAFETY INCIDENTS OR CONCERNS AT OR INVOLVING THE SCHOOL 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, School Board members, volunteers, practicum students, contractors and external providers.

The following complaints are managed in a different way to other complaints received by the school. These kinds of complaints are instead managed using the same procedures 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.

- Breaches 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, and other people on school premises or at school events

Child Safety Incidents or Concerns

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

- a breach of our Child Safe Codes of Conduct or
- child abuse, grooming or other harm

a “child safety incident or concern”. It does not matter whether the behaviour is by a staff member, another student, a parent/carer or any other person on school premises or at school events.

Breaches of the Child Safe Codes of Conduct

Pioneer Village School requires all staff members, parents/guardians, visitors and other adults in the school community to comply with our **Child Safe Adult Code of Conduct**.

Staff members must also comply with our **Staff and Student Professional Boundaries** and **Staff Code of Conduct** policies.

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, Grooming or Other Harm of a Student

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

- sexual abuse
- grooming and online grooming
- physical abuse
- emotional or psychological harm
- 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 school.

Reportable Conduct

Where a child safety incident or concern involves or is alleged to involve behaviour by a staff member, we call this “reportable conduct” as per the Children’s Guardian Act 2019 No 25 (see Definitions)

Not all physical contact, verbal communication and other behaviour of staff members 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 Safety - Related Complaints

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

Reports made to the school about child safety incidents or concerns at or involving the school, its staff members or a member of the school community is a “Child Safety -related complaint.”

Making a Child Safety -Related Complaint to the School

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 school premises or at school events

you can do so by:

1. Sending an email to the Principal reception@pvs.wa.edu.au
1. Writing a letter to the school addressed to the Principal
2. Telephoning the school and asking to speak to Principal

If the Principal is the subject of your complaint or allegation of misconduct or reportable conduct, please contact the chair of the governing body. Board@pvs.wa.edu.au

Investigating and Managing Child Safety -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 Safety -related complaint, PVS will – if required by law or by our child safe policies and procedures – report the matter to the Department of Communities’ Child Protection and Community Services Division (CPFS), the Police and/or other relevant external agencies.

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

The school will also ensure support is provided to any students, staff members and family members impacted by the incident, concern or complaint. In particular, we ensure they are informed about advocacy and support services which may be available to assist them.

The Internal Investigation

The school will then conduct an internal investigation of the incident or complaint, led by the principal or an external investigator.

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

When conducting the internal investigation, the school follows the National Office of Child Safety's **Complaint Handling Guide: Upholding the Rights of Children and Young People**. The attached **flowchart** sets out how these procedures work.

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

Investigating and Managing Behaviour by a Student against another Student

Responding to this kind of Child Safety-related incident or complaint involves considering the school's duty of care to all students involved.

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

Where the child safety incident, or the Child Safety-related complaint, involves behaviour by a person who is neither a current or former school student nor a current or former staff member (for example they are a parent /carer or a visitor whose behaviour occurs on school premises or at a school event), the school'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 Complaints about Reportable Conduct

Depending on the nature of the incident, complaint, allegation or concern about reportable conduct, PVS may need to report the matter to additional external agencies, such as the Teacher Registration Board of WA or the Director General of the Department of Education.

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

- Planning the investigation (including planning the involvement of the child)
- Information gathering
- Staff member 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 and at the end of that investigation.

Record Keeping of Investigations

All records are kept in line with The Privacy Act 1988 and the 13 Australian Privacy Principles.

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.

These are kept in a safe and secure location.

Internal Reviews

Staff members, students and parents/carers of students who are involved in the matter and who are not satisfied with an internal investigation or its outcome 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 Principal**.

External Reviews for Overseas Students

If an overseas student is not satisfied with the outcome of the internal investigation, they may lodge an external appeal through the Overseas Students Ombudsman (OSO) which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free. The contact details for the OSO are as follows:

Email: ombudsman@ombudsman.gov.au

Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111.

Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)

Postal: Commonwealth Ombudsman, GPO Box 442 Canberra ACT 2601.

Website: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

Pioneer Village School agrees to be bound to the OSO's recommendations and will ensure that any recommendations made are implemented within 30 days of receipt of the report.

Complaints about Non-Compliance with the Registration Standards

The Director General of the Department of Education is responsible for ensuring that the school observes the Registration Standards, including Standard 9 which is about its complaints handling system.

Any student, parent/carer or other school community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint, including Child Safety -related complaints.

Director General

The Director General of the Department of Education is responsible for ensuring the school observes the Registration Standards, including the Standard which is about its complaints handling system.

Any student, parent/carer or other school community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint, including Child Safety -related complaints. More information is available on the Department of Education **website**.

However, while the Director General may consider whether the school has breached the Registration Standards, they do not have power to intervene in a complaint or override the school's decision.

Disclosing Information to the School Community

The school will consult with any relevant external agencies (such as CPFS or Police) to determine when, what and by whom information can be shared.

Sharing Information with Parents/Guardians and Students

The parent/carer of a student who is an alleged victim of a Child Safety-related complaint, or any child safety incident or concern occurring at or involving the school, has a legitimate interest in being;

- told that their child is an alleged victim and of the nature of the incident, complaint or allegation
- informed of the process, progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

However, special issues may arise that require an adjustment to normal information sharing practices. Legal impediments may impact the timeliness of disclosing information, the type or amount of information that is disclosed and to whom the information is disclosed, particularly in the case of reportable conduct allegations.

Sharing information with the wider school community

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

Information that may identify those involved in the incident, concern or complaint will not be shared with the wider school community without the express consent of those involved.

Where to Find More Information

For more information about our policies and procedures relating to the school's management of child safety incidents or concern occurring at or involving the school or its staff members, Child Safety related complaints, or complaints handling generally, please see the website or contact Reception on reception@pvs.wa.edu.au.

Definitions

Meaning of "reportable conduct"

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—

- (a) a sexual offence,
- (b) sexual misconduct,
- (c) ill-treatment of a child,
- (d) neglect of a child,
- (e) an assault against a child,
- (f) an offence under section 43B or 316A of the *Crimes Act 1900*,
- (g) behaviour that causes significant emotional or psychological harm to a child.

Examples of indicators of significant emotional or psychological harm for paragraph (g)—

- 1** displaying behaviour patterns that are out of character
- 2** regressive behaviour
- 3** anxiety or self-harm

Complaint Handling:

Upholding the rights of children and young people (an overview)

