



Child Protection Policy

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Version No. 004

Effective From: 29/01/2026

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Child Protection Policy

Policy Statement

This policy sets out staff responsibilities for child protection and processes that staff must follow in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors and volunteers.

Staff members who fail to adhere to this policy may be in breach of their terms of employment.

This policy is available on the school's website, is accessible to any member of the public and not restricted by a login or firewall. A hard copy is also available upon request.

1. Key Legislation

1.1. There are five key pieces of child protection legislation in New South Wales:

- a) *Children and Young Persons (Care and Protection) Act 1998* ("Care and Protection Act")
- b) *Child Protection (Working with Children) Act 2012* ("WWC Act")
- c) *Children's Guardian Act 2019* ("Children's Guardian Act"), including Part 3A Child safe scheme
- d) *Crimes Act 1900* ("Crimes Act")

Child Safe Scheme and the Child Safe Standards

1.2. The Child Safe Scheme gives the Office of the Children's Guardian (OCG) additional powers to monitor and investigate how organisations implement the Child Safe Standards to support the safety and wellbeing of children and young people. Under the Scheme, certain child-related organisations including in the Education, Early Childhood, Health and Youth Justice sectors, must implement the Child Safe Standards.

The Office of the Children's Guardian is an independent statutory body that promotes the interests, safety and rights of children and young people in NSW. The core functions of the Office of the Children's Guardian include administering Working With Children Checks, Reportable Conduct Scheme and implementation of the Child Safe Standards.

1.3. The 10 National Principles are:

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

2. Related policies

There are a number of other School policies that relate to child protection that staff members must be aware of and understand including (but not limited to):

- a) **Code of Conduct** - sets out information about the standards of behaviour expected of all staff members.
- b) **Work Health and Safety Statement** - identifies the obligations imposed by work health and safety legislation on the School and staff members.
- c) **Discrimination, Harassment and Bullying Policy** - summarises obligations in relation to unlawful discrimination, harassment and bullying.
- d) **Complaint Handling Procedures** – provides the steps taken by the School in addressing complaints.
- e) **Anti-Bullying Policy and Procedures** – provide the steps taken by the school in addressing student bullying.

3. Compliance and records

The Principal or their delegate monitors compliance with this policy and securely maintains School records relevant to this policy, which includes:

- a) A register of staff members who have read and acknowledged that they read and understood this policy.
- b) Working With Children Check Clearance (WWCC clearance) Verifications.
- c) Mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services.
- d) Reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

4. Child protection

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- a) A duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen.
- b) Obligations under child protection legislation.

5. Children protection concerns

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

- 5.1. **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.
- 5.2. **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.
- 5.3. **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.

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.

- 5.4. **Emotional abuse** can result in serious psychological harm, 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.

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.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

6. Child wellbeing concerns

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 in [Section 15.6 - Significant Harm](#).

7. Staff member responsibilities

Key legislation requires reporting of particular child protection concerns. However, as part of the School's overall commitment to child protection, all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, a report should be made to the Chairman of the School Board.

8. Training

The School

- 8.1. The School provides all staff members with a copy of this policy and will provide all staff members with the opportunity to participate in child protection training annually.

Staff members

- 8.2. All new staff members must read this policy and sign the acknowledgement that they have read and understood the policy. Before casual teachers enter a classroom, the Child Protection Compliance Officer will explain the key elements of this policy, including legal responsibilities regarding child protection. New casual teachers must sign an acknowledgement that they have understood these responsibilities.
- 8.3. All staff members must participate in annual child protection training and additional training, as directed by the Principal. The training complements this policy and provides information to staff about their legal responsibilities related to child protection and School expectations, including:
- a) Mandatory reporting
 - b) Reportable conduct
 - c) Working with children checks
 - d) Professional boundaries

- 8.4. New staff members commencing employment outside the annual training period will receive a presentation from the Child Protection Compliance Officer. This can be delivered either in person or via a recording available on the School's Google Drive. Following the presentation, staff must sign an acknowledgement confirming they have read and understood the policy.
- 8.5. The Child Protection Compliance Officer is responsible for keeping an updated register of staff who have completed the Child Protection training.

9. Working With Children

- 9.1. The WWCC Act protects children by requiring a worker to have a WWCC clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.
- 9.2. The Office of the Children's Guardian (OCG) is responsible for determining applications for a WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:
 - a) Grant a WWCC clearance (generally valid for 5 years); or
 - b) Refuse a WWCC clearance (further applications cannot be made for 5 years).
- 9.3. In addition, the OCG may impose an interim bar on engaging in child related work for both applicants and WWCC clearance holders.
- 9.4. WWCC clearance holders are subject to ongoing monitoring by the OCG.

10. Responsibilities for working with children checks

Staff members

- 10.1. Staff members who engage in child-related work and eligible volunteers (including those volunteers working at overnight camps) are required to:
 - a) Hold and maintain a valid WWCC clearance.
 - b) Not engage in child-related work at any time that they are subjected to an interim bar or a bar.
 - c) Report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment.
 - d) Notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.
- 10.2. It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or if they are subject to a bar.
- 10.3. All volunteers are required to:
 - a) Be aware and follow the expectations of conduct expressed in the School's Staff Code of Conduct.
 - b) Provide a WWCC if required by the Principal.
 - c) Submit a [Volunteer Application Form](#) to consider suitability for volunteering at the School.

The School

10.4. The School is required to:

- a) Verify online and record the status of each child-related worker's WWCC clearance.
- b) Only employ or engage child-related workers or eligible volunteers who have a valid WWCC clearance.
- c) 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.

11. Working With Children Check Clearance

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

Child-related work

11.1. Child-related work involves direct contact by the worker 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:

- a) Early education and child-care including education and care service, child-care centres and other child care
- b) Schools and other educational institutions and private coaching or tuition of children
- c) Religious services
- d) Residential services including boarding schools, homestays more than three weeks, residential services and overnight camps
- e) Transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings
- f) Counselling, mentoring or distance education not involving direct contact

Any queries about whether roles/duties engage in child-related work should be directed to the Principal.

Application/ Renewal

11.2. 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.

Refusal/ Cancellation

11.3. The OCG can refuse to grant a WWCC clearance or cancel a WWCC clearance. The person is then restricted from engaging in child-related work and not able to apply for another clearance for five years. Employers are notified by the OCG and instructed to remove such persons from child-related work.

Interim bar

11.4. 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, it may be appealed 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.

Disqualified person

- 11.5. 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 WWC Act. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.

12. Ongoing monitoring

- 12.1. The OCG will continue to monitor criminal records and professional conduct findings of all WWCC clearance holders through a risk assessment process.

Risk assessments

- 12.2. A risk assessment is an evaluation of an individual's suitability for child-related work.
- 12.3. The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children and findings of misconduct involving children.

13. Process for reporting to the OCG

The School

- 13.1. Independent Schools are defined as a reporting body by the WWC Act.
- 13.2. The School is required to 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 WWCC Directorate. Information must also be referred internally to the OCG's WWCC Directorate if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the WWC Act, pending a formal risk assessment.
- 13.3. The School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

Finding of misconduct involving children

- 13.4. The School will report any finding of reportable conduct to the OCG.
- 13.5. When informing an employee of a finding of reportable conduct against them, the School should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.
- 13.6. The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the School in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

Other information

- 13.7. The School may also be required to provide information to the OCG that is relevant to an assessment of whether a person poses a risk to the safety of children or the OCG's monitoring functions.

14. Mandatory reporting

- 14.1. The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. A child is a person under the age of 16 years and a young person is aged 16 years or above but who is under the age of 18, for the purposes of the Care and Protection Act.
- 14.2. Under the Care and Protection Act, mandatory reporting applies to 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.
- 14.3. All teachers are mandatory reporters. Other staff members may also be mandatory reporters. Any queries about whether other staff members are mandatory reporters should be directed to the Principal.

15. Reports to Communities and Justice

- 15.1. 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 the Department of Communities and Justice (DCJ) as soon as practicable. The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.
- 15.2. In addition, the School may choose to make a report to the DCJ 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.
- 15.3. In the independent school sector, a mandatory reporter will meet their obligation if they report to the Principal in the School. This centralised reporting model ensures that a person in the School has all of the information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the School not being aware of individual incidences that amount to cumulative harm.

Reasonable grounds

- 15.4. '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:
- a) First-hand observations of the child, young person or family;
 - b) What the child, young person, parent or another person has disclosed;
 - c) What can reasonably be inferred based on professional training and / or experience.
- 15.5. 'Reasonable grounds' does not mean a person is required to confirm their suspicions or have clear proof before making a report.

Significant harm

- 15.6. 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:
- a) The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met.
 - b) 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.
 - c) In the case of a child or young person who is required to attend school in accordance with the Education Act 1990, 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.
 - d) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
 - e) 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.
 - f) 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.
 - g) 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.
- 15.7. 'Significant', as used in the phrase 'to a significant extent', refers to a level of seriousness that necessitates intervention by a statutory authority, even without the family's consent.
- 15.8. 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.
- 15.9. The significance can result from a single act or omission or an accumulation of these.

16. Process for mandatory reporting

Staff members

- 16.1. Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Principal as soon as possible to discuss whether the matter meets the threshold of 'risk of significant harm' and the steps required to report the matter.
- 16.2. However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable, staff members should contact the Police and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior member of staff at the School as soon as possible.
- 16.3. Staff members are not required to and must not, undertake any investigation of the matter. Staff members are not permitted to inform the parents or caregivers that a report to the DCJ has been made.
- 16.4. Staff members are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could incite potential civil proceedings for defamation.

The School

- 16.5. In general, the Principal will report these matters to the DCJ and where necessary, the Police. This is supported by the DCJ in accordance with best practice principles.

17. Process for reporting concerns about students

Staff members

- 17.1. The Care and Protection Act outlines a mandatory reporter's obligation to report to the DCJ concerns about risk of significant harm. However, to ensure centralised reporting, all staff members are required to report any concern regarding the safety, welfare and wellbeing of a student to the Principal. Staff members who are unsure as to whether a matter meets the threshold of 'risk of significant harm', should report their concern to the Principal regardless.
- 17.2. Staff members are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominates.

18. Reportable conduct

- 18.1. Section 29 of the Children's Guardian Act requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' and the outcome of the School's investigation of these allegations. Under the Children's Guardian Act, allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity.
- 18.2. Reportable Conduct:
- a) Involves a child (a person under the age of 18 years) at the time of the alleged incident.
 - b) Involves certain defined conduct as described in the Act (see below).
- 18.3. The OCG:
- a) Must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions.
 - b) Must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions.
 - c) Is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable conduct or reportable convictions.
 - d) Must 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.
 - e) May directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (e.g. arising out of complaints by the person who is the subject of an allegation).
 - f) May investigate the way in which a relevant entity has dealt with, or is dealing with, a report, complaint or notification, if the OCG considers it appropriate to do so.

19. Reportable conduct definitions

19.1. Under the Children's Guardian Act, "reportable conduct" is defined as:

- a) A sexual offence
- b) Sexual misconduct
- c) An assault against a child
- d) Ill-treatment of a child
- e) Neglect of a child
- f) An offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act
- g) Behaviour that causes significant emotional or psychological harm to a child

19.2. However, certain actions are not considered reportable conduct:

- a) **Reasonable Conduct for Discipline, Management, or Care:** This includes actions that are appropriate for a child's age, maturity, health, and other characteristics, aligning with professional standards and codes of conduct. An example is a teacher raising their voice to restore order in a classroom.
- b) **Trivial or Negligible Use of Physical Force:** This applies to minor or insignificant physical force, provided the circumstances have been investigated and documented. Examples include briefly touching a child for attention, momentarily restraining a child to prevent injury, or touching a child for guidance or comfort.
- c) Certain types of conduct may be exempted by the Children's Guardian under section 30.

The following definitions relate to reportable conduct:

19.3. **Sexual offence:** An offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:

- a) Sexual touching of a child.
- b) A child grooming offence.
- c) Production, dissemination or possession of child abuse material.

It's important to note that an alleged sexual offence does not require criminal investigation or charges to be classified as a reportable allegation of sexual offence.

19.4. **Grooming:** A deliberate and calculated process in which an adult establishes a purposeful relationship with a child or young person, and often their family or peer group, to lower their inhibitions and build a false sense of trust. This conduct is undertaken with the ultimate intent of engaging in sexual activity or abuse. Grooming can occur in person or through digital platforms (cyber-grooming) and is a criminal offence under Section 66C of the Crimes Act.

Grooming is rarely a single event; it is a multi-stage progression designed to normalise inappropriate behaviour:

1. **Targeting and Gaining Trust:** The adult identifies a child's vulnerabilities and presents themselves as a mentor, "favourite" teacher, or protector.
2. **Gaining Access:** Establishing rapport with parents to minimise supervision and increase time alone with the child.
3. **Isolation:** Creating "private" spaces (physical or digital) where the adult's behaviour cannot be monitored by other staff.
4. **Normalisation:** Gradually introducing sexualised themes, "secrets," or physical contact to desensitise the child.

Heritage College maintains a zero-tolerance approach to grooming behaviours. Examples of conduct that require immediate reporting include, but are not limited to:

- a) Providing unauthorised gifts, money, or special privileges to a specific student.
- b) Communicating with students via personal social media or private messaging apps outside of approved school platforms.
- c) Engaging in "one-on-one" situations with students in isolated areas without prior approval or visibility.
- d) Taking students on unauthorised excursions or providing transport in a private vehicle without school consent.

Note: In NSW, reporting is required even if no abuse has occurred yet. If a staff member observes the process of grooming, it must be reported under the school's internal Child Protection reporting obligations (and potentially to the Office of the Children's Guardian as a "reportable conduct" matter).

- 19.5. **Sexual misconduct:** Conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:

- a) Descriptions of sexual acts without a legitimate reason to provide the descriptions
- b) Sexual comments, conversations or communications
- c) Comments to a child that express a desire to act in a sexual manner towards the child, or another child

Note: Crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

- 19.6. **Assault:** Occurs when a person intentionally or recklessly (aware of the possibility of assault but ignoring the risk) either:
- a) Applies physical force to a child without legal justification or excuse, such as hitting, striking, kicking, punching, or dragging a child (actual physical force).
 - b) Causes a child to fear the immediate and unlawful use of physical force, such as threatening a child physically through words and/or gestures, regardless of whether the person intends to apply any force (apprehension of physical force).
- 19.7. **Ill-treatment:** Unreasonable and seriously inappropriate, improper, inhumane, or cruel conduct toward a child. This can include excessive demands, hostile behavior, or inappropriate behavior management.
- 19.8. **Neglect:** A significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid, or lodging, causing or likely to cause harm. Neglect can be ongoing or a single significant incident, such as failing to protect a child from abuse or exposing them to a harmful environment.
- 19.9. **Behaviour that causes significant emotional or psychological harm:** Intentional or reckless conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma.

For an allegation of psychological harm to be reportable, the following must be present:

- a) An obviously or very clearly unreasonable or serious act(s) that the employee knew or ought to have known was unacceptable.
- b) Evidence of psychological harm to the child that is more than transient (e.g., "out of character behavior," regression, distress, anxiety, physical symptoms, or self-harm).

- c) An alleged causal link between the employee's conduct and the significant emotional or psychological harm.
- 19.10. **Reportable allegation:** an allegation that an employee has engaged in conduct that may be reportable conduct.
- 19.11. **Reportable conviction:** A conviction (including a finding of guilt without conviction) in NSW or elsewhere, of an offence involving reportable conduct.
- 19.12. **Employee of an entity:** Includes individuals employed by or in the entity, volunteers, contractors (direct or third-party) requiring a WWCC clearance, and persons engaged by a religious body requiring a WWCC clearance.
- 19.13. **ESOA:** Employee Subject of the Allegation.

20. Process for reporting of reportable conduct allegations or convictions

For detailed information on reporting and investigating allegations of reportable conduct, and managing risk during such investigations, refer to Section 3 of the **HCLM Child Protection Procedures document**.

21. Criminal offences

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

Failure to protect offence (*Crimes Act*)

- 21.1. An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.
- 21.2. This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

Failure to report offence (*Crimes Act*)

- 21.3. Any adult, and therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

Special Care Relationships (*Crimes Act*)

- 21.4. It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship. The Act provides that a young person is under an adult's special care if the adult is a member of the teaching staff of the School at which the young person is a student; or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.

- 21.5. 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.

22. Key Personnel 2026

Principal	Simon Dodson	Head of Agency
Deputy Principal	Leah Crawford	Principal's Delegate when required
Administration Staff	Susan Tappouras	Child Protection Compliance Officer
School Counsellor	Danny Guest	Counselling of students and staff Reporting any relevant matters to the Principal

23. Related Documents and References

-  Anti-Bullying Policy.pdf
-  Child Protection Procedures.pdf
-  Complaints Handling Policy and Procedures.pdf
-  Child Protection / Code of Conduct Staff Declaration Form
-  Child Protection / Code of Conduct Staff Sign Sheet
-  Staff Code of Conduct.pdf
-  Staff Discrimination Harassment and Bullying Policy.pdf
-  Volunteer-Application-Agreement-Form-HCLM.pdf
-  Work Health and Safety Policy.pdf
- [NSW Department of Communities and Justice](#)
- [The Office of the Children's Guardian](#)
- [Department of Premier and Cabinet – Keep Them Safe](#)