Managing Risk of Significant Harm Policy

April 2024

CATHOLIC SCHOOLS BROKEN BAY
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Rationale

This policy identifies the responses to be taken by CSBB in addressing concerns about possible abuse or neglect of children and young people and our legislative obligations. The Policy identifies the need to:

- Recognise the role of reporting risk of significant harm (ROSH) to the Department of Communities and Justice (DCJ) as an important strategy for promoting the protection of children and young people and upholding our legislative requirements.
- Ensure that the legal and general duty of care in relation to exchanging information regarding the safety, welfare and wellbeing of children is recognised in CSBB.
- Consider alternative options when a statutory obligation is not required and make referrals to specialised services as needed.
- Recognise and respond to any indicators of harm and abuse.

Guiding Principles and Objectives

CSBB acknowledges that staff of schools who provide educational services have mandatory legal responsibilities in relation to children identified as being at risk of 'significant harm'. This responsibility is outlined through this policy and advises that CSBB staff respond, report and support students.

Reports are made to the Child Protection Helpline when there are concerns about the safety, welfare and wellbeing of children that meet the reporting threshold to Department of Communities and Justice (DCJ) as the responsible entity for Child Protection in NSW.

CSBB acknowledges its responsibility to establish and maintain appropriate procedures to support mandatory reporters in fulfilling their reporting obligations to DCJ. These provisions are supported by State Government policies and the NSW Child Safe Standards promoting active involvement of families in early intervention and prevention services. We recognise parents as first educators.

As well as recognising the scope of the legal responsibilities of CSBB, CSBB affirms the commitment of its schools to promoting students' welfare and wellbeing and responding to and reporting any indicators of harm and abuse to CSBB leaders regardless of a legal responsibility to do so i.e. For roles that support schools that are not considered 'Mandatory Reporters'.

Policy Statement

1. Risk of significant harm

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. This means the situation is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. 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 wellbeing. The significance can result from a single act or omission or an accumulation of harmful circumstances. Harmful circumstances may be present where there is a risk of physical abuse, sexual abuse, neglect (educational, basic physical needs unmet), carer concerns (such as substance misuse or domestic violence), danger to self or others, a parent relinquishing care or serious psychological harm resulting from the behaviour of a parent or caregiver.

A child is a person under 16 years. A young person is a person aged 16-17 years. There are no reporting obligations for students 18 years of age. Concerns relating to students of adult age would be addressed through a pastoral response or a referral to youth/adult services for support.

2. Children and Young Persons (Care and Protection) Act 1998 (the Act)

This Act sets out the means by which DCJ can intervene to protect children and young persons from risk of significant harm. The Act requires persons in certain professions and management positions, including teaching and school leadership positions, to report to DCJ if they have reasonable grounds to suspect that a child is at current risk of significant harm.

A child is at Risk of Significant Harm if current concerns exist for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

(a) the child's basic physical or psychological needs are not being met or are at risk of not being met;

(b) the child's parent/s or other guardian/s have not arranged, and are unable or unwilling to arrange for the child to receive necessary medical care;

(c) in the case of a child who is required to attend school, the parent/s or other guardian/s have not arranged, and are unable or unwilling to arrange for the child to receive an education;

(d) the child has been, or is at risk of being, physically or sexually abused or ill-treated;

(e) the child is living in a household where there have been incidents of domestic violence and, consequently, the child is at risk of serious physical or psychological harm; or

(f) a parent or other care giver has behaved in such a way towards the child that the child has suffered, or is at risk of suffering, serious psychological harm.

Note that any concerns about the conduct of a worker at school fall under the reportable conduct scheme and may also require a report to DCJ (Children's Guardian Act 2019).

Mandatory Reporters

People employed to deliver education services to children, or managers who directly supervise the provision of education services to children are mandated

to report risk of significant harm to the DCJ Child Protection Helpline. They are termed *mandatory reporters*. Mandatory reporters must report any child or young person they reasonably suspect is at risk of significant harm, where they have come to this view in the course of their work.
Staff members should be aware that they have an individual responsibility as a mandatory reporter if they believe in good faith that a child is at risk of significant harm, regardless of the opinions of others. Unless there are exceptional circumstances, child protection concerns should be thoroughly discussed between the staff member and the Principal or Principal's delegate.

Mandatory reporting responsibilities relate only to situations where the grounds arise during the course of, or from the person's work. Mandatory responsibilities for reporting risk of significant harm do not extend to situations that a staff member may come across outside the school. However, staff members continue to have an ethical responsibility to promote the safety, welfare and wellbeing of children regardless of the context. Any concerns about situations arising outside the school should be discussed with the Principal.

Certain roles at CSBB including volunteers and CSBB central office staff are not 'legally' mandatory reporters. If they provide information about risk of significant harm to a mandatory reporter, the mandatory reporter is obliged to make a report. These roles may choose to make reports to DCJ as concerned members of the community. Regardless, all staff and volunteers should report all concerns about the safety, welfare and wellbeing of CSBB students to the principal or their supervisor to assess, and ensure any necessary supports can be put in place.

When concerns are below the reporting threshold or not accepted for action by DCJ, schools on their own or in collaboration with other non-government agencies, play an important role in arranging and providing support for children and young people who are at risk.

3. Reporting risk of significant harm

CSBB has a centralised reporting system in place. School staff will advise the Principal where they identify concerns about children or young people that they believe may constitute risk of significant harm, where the grounds for concern have arisen in the course of their employment.

The Principal should use the decision making tool - Mandatory Reporter Guide (MRG) ChildStory to help determine whether the concerns meet the threshold for reporting risk of significant harm, or will consult with the Safeguarding Office (SGO) for professional advice. The MRG should be used prior to contact with the Safeguarding team as this provides guidance on whether a report is required.

The Principal will report any child where there are reasonable grounds to suspect risk of significant harm to DCJ through the Child Protection Helpline. When making the report the Principal will provide all available relevant information to the Helpline.

In circumstances involving students over the age of 18 years who are not subject to mandatory reporting provisions but where there are concerns regarding risk of significant harm, the Principal will offer assistance in relation to reporting crimes or accessing social care services. Consideration should also be given regarding younger siblings in the household.

The Principal will advise the staff member who identified the concerns whether a report of risk of significant harm has been made. The staff member's mandatory responsibility is met once the Principal has made a report based on their concerns. An MOU exists which specifies that once the school staff Mandatory Reporter informs the Principal of the concerns, the duty to make a Mandatory Report lies with the Principal.

The Principal will ensure that all staff members know how to respond if they identify concerns that a child or young person is at risk of significant harm. The Principal will ensure that a confidential record is always kept regarding the risk of significant harm (ROSH) report and the report is forwarded to the SGO on the applicable form.

As the Principal is not legally obliged to inform a child, young person or their family when a report has been made to the Child Protection Helpline, in determining whether the family will be informed, the Principal should either be guided by DCJ's advice or consider if informing the child, young person or family will jeopardise the safety, welfare or wellbeing of the child or young person, or any other person involved.

4. Notification to Safeguarding and Record Keeping:

Once a report to DCJ has been made, the reporter must provide a copy of the report to the Safeguarding Office to be recorded under confidential student file. The reporter must also ensure that the record is stored in either the Principal's Confidential folder (electronic) or in the Student Counselling confidential file if the reporter was a School Counsellor.

5. Information exchange

Legislation in NSW sets out a regime under which schools may be required or permitted to disclose the personal information of students, their families, employees and volunteers to others. The legislation also sets out circumstances in which a school may request another school (or other prescribed body) to provide them with information relating to the safety, welfare or wellbeing of a student or students including personal information.

Under Chapter 16A of the Children and Young Persons (Care & Protection) Act 1998, schools are permitted to request information relating to the safety, welfare or wellbeing of a child or children in order to assist the school or other prescribed body to:

(a) make a decision, assessment or plan; or

(b) initiate or conduct an investigation; or

(c) provide any service relating to the safety, welfare or wellbeing of a child or children; or

(d) manage any risk to a child or class of children.

School staff should, wherever possible, ensure that consent is obtained from the parents/carers when exchanging information relating to the safety, welfare or wellbeing of a child or young person. Discussion with parents/carers regarding exchange of information and subsequent parental consent is not mandatory and should always be considered against the potential for risk of harm to a child if their parent/carer is aware that the school is sharing information regarding the safety welfare or wellbeing of their child with another school or prescribed body. School staff should discuss this process with the Principal and seek guidance from the SGO as needed.

6. Protection for Reporters

Persons who make reports to the DCJ or institutions engaged in child related work under the *Act* are protected from liability for defamation and civil and criminal liability. The *Act* also provides that such a report does not constitute a breach of professional etiquette or ethics, or amount to unprofessional conduct.

CSBB strictly prohibits any form of detrimental action against individuals who, in good faith, make or intend to make a report under this Part. Detrimental actions include, but are not limited to, intimidation, harassment, discrimination, disadvantage, dismissal, or any form of prejudice in employment or service provision. Taking such actions, or even threatening to do so, can result in penalties including fines and imprisonment. Reports not made in good faith, characterised by bad faith or knowingly false material allegations, are not protected under this provision.

Applicability

This policy applies to all CSBB staff and volunteers.

Key Responsibilities

Director of Schools is responsible for overseeing the development and implementation of processes to ensure compliance with Managing Risk of Significant Harm Policy. Ensures that safeguarding and child protection systems and operations in relation to addressing risk of significant harm concerns within CSBB comply with the relevant legislation.

Principals are responsible for the development, implementation, culture building and publishing of Managing Risk of Significant Harm Policy in their schools in accordance with this policy and any regulatory requirements. Principals are the delegated responsible person to report to DCJ when ROSH is identified. As referenced in DCJ MOU, all other Mandatory Reporters in their school community discharge their responsibility when notified to the principal.

- Ensure that staff are aware of and understand the reporting , policies and procedures that inform and promote the protection of children and young people at risk within CSBB.
- Ensure any situation involving risk of significant harm is treated with the utmost discretion, sensitivity and regard for the privacy and confidentiality of all persons involved.
- Lead school in fostering a culture which is proactive in responding to situations where a child or young person is at risk.
- Ensure staff members receive annual professional development in relation to the indicators of child abuse and neglect, and information about the process for responding to concerns and mandatory reporting responsibilities.
- Liaise with DCJ and other agencies as required.
- Ensure that all exchanges of information in relation to children's safety, welfare or wellbeing comply with relevant legislation and guidelines.
- Notify Safeguarding Office when a report to DCJ is made.

All CSBB Staff (Regardless of whether your role is considered to be a 'Mandatory Reporter') are expected to be committed to understanding and complying with CSBB Managing Risk of Significant Harm Policy by:

- contributing to a culture where student voice is respected, students are encouraged to raise concerns, feel safe and equipped to do so, and are able to report harm.
- Be aware of the indicators of child abuse and neglect, be observant for possible signs of abuse and neglect, including changes in the behaviour of children and young people that may be attributed to abusive situations.
- Respond appropriately to disclosures regarding abuse and neglect from children and young people.
- Comply with policies and procedures as required by this and related documents.
- Attend professional development and seek support as required to facilitate the recognition and reporting of suspected risk of significant harm.
- Be willing to implement strategies and programs aimed at supporting children and young people at risk and establishing and maintaining a child-safe school environment within the scope of their role.
- Report to your principal, supervisor or CSBB Safeguarding team if you are concerned about the Safety, Welfare or Wellbeing of any CSBB student. Where you are concerned about the sensitivity or confidentiality, please report directly to the CSBB Safeguarding team.

Safeguarding

- Ensure mechanisms are in place so mandatory reports are made in a timely and compliant manner
- Provide advice and support to schools in relation to risk of significant harm concerns for students and families at risk.
- Assist schools in using the online Mandatory Reporter Guide and in determining whether concerns must be reported to the DCJ Child Protection Helpline.
- Liaise with DCJ and other agencies as required.
- Ensure that all exchanges of information in relation to children's safety, welfare or wellbeing comply with relevant legislation and guidelines.
- Provide professional development options to staff in relation to the indicators of child abuse and neglect, and information about the process for responding to concerns and mandatory reporting responsibilities.
- Report to CSBB Leadership annually about numbers and types of reports made by schools in relation to wellbeing concerns and students at risk of significant harm.

Related Resources

Children and Young Persons (Care and Protection Act) 1998
NSW Crimes Act 1900
NSW Children's Guardian Act 2019
National Catholic Safeguarding Standards, Catholic Professional Standards Limited (2019) The National Response Protocol, Australian Catholic Safeguarding Limited (2021)
Child Safe Standards, NSW Office of the Children's Guardian (2019)
Mandatory Reporter Guide

Related Processes/Procedures

Fact Sheet – Risk of Significant Harm
Responding to Disclosures of Abuse
Responding to Child Disclosing Feeling Unsafe to Go Home

Related Policies

Behaviour Support Policy (2023)
CSBB Code of Conduct

Review

The Managing Risk of Significant Harm and Wellbeing policy and related Procedures/Processes will generally be reviewed every five (5) years unless there is a legislative or regulatory requirement to do so earlier.

Revision/Modification History

Version	Current Title	Summary of Changes	Approval Date	Commencement Date
2	Managing Risk of Significant Harm	Minor updates and changes to reflect CSBB branding and title change.	April 2024	April 2024
1	Managing Risk of Significant Harm and Wellbeing Concerns.	New Policy	January 2021	January 2024

Approval Date/Revision Schedule

Approved by: Danny Casey – Director of Schools
Date Approved: April 2024
Date of next review: April 2029