

Bhaktivedanta Swami Gurukula

Hare Krishna School

Founder-Acharya His Divine Grace A.C. Bhaktivedanta Swami Prabhupada

New Govardhan 525 Tyalgum Road Eungella NSW 2484 Australia



CHILD PROTECTION POLICY AND PROCEDURES

2020 Version 2.0

Revision Schedule			
Date	Version No	Changes	By
15/7/2011	V1.0	New Document (adapted from school's policies of 2008; includes legislation references)	Headmaster
18/7/2011	V1.1	Minor addition – ways of informing staff, volunteers and external providers of their legal responsibilities (page 6)	Recommendation of BoS, Headmaster
15/7/2012	V1.2	In regard to mandatory reporting - add info on "Keep them safe" and risk of significant harm, use of MRG by teachers. Include the process in relation to reportable conduct, head of agency, reporting within 30 days	Recommendation of BOS, Headmaster
14/2/2014	V1.3	Child Protection (Working with Children) Act 2012 introduction	Headmaster
10/5/2015	V1.4	Explicit Procedures outlined	Principal
20/8/2017	V1.5	AIS and NESA Recommendations	Principal
24/1/2018	V1.6	2018 review	Principal
20/2/2018	V1.7	School Board changes	Principal
1/5/2018	V 1.8	School Board changes	Principal
12/7/2018	V1.9	Addition of ISKCON requirements: screening & reporting, formatting issues resolved, policy is now colour coded	School Secretary and Principal
31/1/2019	V2.0	Addition of information in the Section "What are the School's Procedures in relation to the WWCC" P22. Addition of Statement on P25.	School Secretary

Stakeholders	
Document Owner	Principal
Document Reviewers	School Board
Document Distribution	NESA, Employees, Parents. School Website, Gurukula Office.

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Introduction

Intended use

This Policy document is intended to be provided and made available to staff of Bhaktivedanta Swami Gurukula (the School / Gurukula), including employees and contractors during their employment or engagement with the school to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in NSW.

This Policy outlines the key concepts and definitions under the relevant legislation including mandatory reporting, reportable conduct and risk management, and Working With Children Check. It also sets out expected standards of behaviour in relation to employees and contractors and their relationships with students.

Policy distribution and child protection briefing

This policy is available as a soft copy on the School's website (www.krishnaschool.nsw.edu.au) and as a hard copy at the School's administration office.

This policy is distributed to the School staff before the commencement of each school year or during the orientation before the commencement of employment, if employed in the course of the year.

The School staff are required to sign a Child Protection Briefing Register confirming their knowledge and awareness of the duties and obligations in relation to Child Protection.

The Child Protection Policy briefing is mandatory for all staff and must be conducted before the commencement of employment, with the consequent annual review before the start of each school year.

The Child Protection Briefing Register is stored in the Gurukula Principal's office (Staff Files) and must be attached to the version of the policy being briefed.

The Child Protection Policy acknowledgment page needs to be signed by all the employees and stored in their individual folders. The school employees folders are located in the Gurukula Principal's office (Staff Files).

The School Secretary will maintain the register of the Child Protection briefings and will inform the principal if any briefings are due. The current year register is maintained at BSGServer/Google Drive/BSG Policies and Procedures/Safe and Supportive Environment – Child Protection/01 Current Child Protection Policy and Documentation Package

School documentation and registers

The following registers and documentation will be securely stored in the Gurukula Principal's office (hard copy) and in a secure location on the Gurukula Server (soft copy at BSGServer/Google Drive/BSG Policies and Procedures/Gurukula Policies and Procedures/BSG Safe and Supportive Environment – Child Protection)

- a) Current version of the Child Protection Policy
- b) Annual briefing and prior-to-employment orientation register with staff signatures
- c) Register of concerns and action for Mandatory Reporting
- d) Register of concerns and action for Reportable Conduct
- e) Register of Working With Children Check clearances and verification

About child protection policy

The safety, protection and well-being of all students is of fundamental importance to the School.

Both the employee and the School have a range of different obligations relating to the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
- b) obligations under child protection legislation; and
- c) obligations under work health and safety legislation.

The purpose of this Policy is to summarise the obligations imposed by child protection legislation on the School and on employees, contractors and volunteers at the School and to provide guidelines as to how the School will deal with certain matters.

Child protection is a community responsibility.

Key legislation

There are three key pieces of child protection legislation in New South Wales:

- a) the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the **Care and Protection Act**);
- b) the *Child Protection (Working With Children) Act 2012* (NSW) (the **WWC Act**); and
- c) the *Ombudsman Act 1974* (NSW) (the **Ombudsman Act**).

Each legislative document is explained in this Policy.

Your obligations to report

While we set out below, circumstances in which the legislation requires reporting of particular child protection issues, the School requires the employee to report **any concern** they may have about the safety, welfare or wellbeing of a child or young person to the **School Principal**.

Report your concerns to Vinod Bihari das (Mr Victor Machevsky)

- Personally, or by mail to PO Box 546 Murwillumbah, NSW 2484
- Email: vinodbihari@krishnaschool.org
- Phone: 02 6672 3788

If the allegation involves the School Principal, the employee is required to report to the Executive Committee of the International Society for Krishna Consciousness (Australia).

Report your concerns that involve the Principal to Ajita Das (Mr Jean Francois Cozzi)

- Personally, or by mail to: Ajita Das, PO Box 157, Murwillumbah. NSW 2484
- Email: ajitacozzi@gmail.com
- Phone: 0419645305

Other related policies

Please note that there are a number of other School policies that relate to child protection which you need to be aware of and understand, including (but not limited to):

- a) the Code of Conduct which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the School;
- b) the Work Health and Safety Statement which summarises the obligations imposed by work health and safety legislation on the school and workers;
- c) the Discrimination, Harassment and Bullying Statement which summarises your obligations in relation to unlawful discrimination, harassment and bullying; and
- d) the Safe and Supportive Environment – Students Health and Welfare Policy.

Part A – The Care and Protection Act

The Children and Young Persons (Care and Protection) Act 1998 NSW provides for mandatory reporting of children at risk of significant harm.

Note: Under your Mandatory Reporter obligations you may report the matter to the Community Services directly. Alternatively, you also fulfil your Mandatory Reporter obligations by reporting your concern to the school principal.

Who is a mandatory reporter?

Under the Care and Protection Act 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, are mandatory reporters.

All teachers are mandatory reporters. Other School employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter, you should speak to the Principal.

When must a report be made to Community Services?

Threshold

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 Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, while not mandatory, the School considers that a report should also be made to Community Services 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.

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:

- 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.

'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

Significant harm

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.

Other relevant definitions

Policy definition 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 well-being of the child or young person are present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which 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 well-being.

In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

The significance can result from a single act or omission or an accumulation of these.

A child, is a person under the age of 16 years for the purposes of the Care and Protection Act.

Child abuse and neglect:

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

Neglect is the continued failure by a parent or caregiver to provide a child with the basic requirements needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

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.

Serious psychological harm can occur 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.

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.

Child wellbeing concerns are safety, welfare or concerns for a child or young person, that do not meet the mandatory reporting threshold for risk of significant harm.

Young person means a person who is aged 16 years or above but who is under the age of 18 years for the purposes of the Care and Protection Act.

How to report?

Reporting by the School about these matters to Community Services and, where necessary, the police, is generally undertaken by the Principal. This is supported by Community Services in accordance with best practice principles and is the expectation of the School.

If you have a concern that a child or young person is at risk of significant harm you should contact the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter. You may also use the NSW Mandatory Reporter Guide at <https://reporter.childstory.nsw.gov.au/s/mrg> to assist with determining the threshold of 'risk of significant harm'.

However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff (e.g. K-2 Coordinator, 3-6 Coordinator, High School Coordinator) is not contactable you

should speak to the Police (Tweed Heads Office - 07 5506 9499) and/or the Child Protection Helpline (132 111) directly and then advise the Principal or next most senior member of staff at the School as soon as possible.

You are not required to, and must not, undertake any investigation of the matter yourself.

You are not to inform the parents or caregivers that a report to Community Services has been made.

You are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required, to comply with your mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy but could expose you to potential civil proceedings for defamation.

What if the concern is below the mandatory reporting threshold?

While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentiality and only disclose it to the Principal and any other person the Principal nominates. Failure to do so will be a breach of this policy.

What happens after reporting?

- The School Principal will take notes of your report and assess the threshold for the 'risk of significant harm'.
- The School Principal will create a record of the concern in the Mandatory Reporter Register in the Child Protection Folder on the BSG Server.
- Should the concern not meet the mandatory reporting threshold, the School Principal will address the matter at the school level that may involve parents, counsellors and teaching staff.
- Should the concern meet the mandatory reporting threshold (as confirmed by the NSW Mandatory Reporter Guide), the Principal will report the concern to the NSW Community Services. The report may also be made to the NSW Police should the report indicate the presence of a criminal element.
- The Principal will act according to the advice received by the relevant agencies.
- Should the Principal be absent or unavailable, the duties of Mandatory Reporting will be passed on to the next senior member of staff (e.g. K-2 coordinator, 3-6 coordinator, High School Deputy)

How are the 'mandatory reporter' matters recorded?

The school ensures the confidentiality of all the 'mandatory reporting' matters. The 'mandatory reporting' concerns will be recorded by the Principal and/or School Secretary in the password protected register located in the BSG Child Protection Policy folder on the School Server. The School records may only be shared with the relevant agencies under Section.24A of the Freedom of Information Act.

Below is a copy of the 'mandatory reporter' matters register.

Mandatory Reporter Register											
Date concern is raised	Concern Child Name	Gurukula Year Level	Reported by	Reported to	Details of the concern	Threshold Met Y/N	Determined By	CS Report Date and No	Police Report Date and No	In-school Action details/Agency Recommendation	Follow up/Notes/Comments

Part B – The Ombudsman Act

What are the responsibilities of different parties under the Act?

General

Part 3A of the Ombudsman Act requires the heads of certain agencies, including non-government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations within 30 days.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part, where there is a reference to an employee, it includes all of these persons.

The Ombudsman

The Ombudsman:

- 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 (eg arising out of complaints by the person who is the subject of an allegation); and
- f) may undertake 'own motion' investigations of non- government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

Head of Agency

The Head of Agency is the Principal of the School (2019 Head of Agency is Vinod Bihari das / Mr Victor Machevsky)

Under the Ombudsman Act, the Head of Agency must:

- a) set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees;

- b) notify the Ombudsman (using a NSW O Part A notification form) as soon as possible and no later than thirty days after being made aware of an allegation;
- c) notify the Ombudsman whether or not the School plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
- d) provide the Ombudsman with any documentary and other information as the Ombudsman may, from time to time, request to assist in the Head of Agency's monitoring of an investigation. This will typically include the NSW O Part B notification form and risk assessments.

Your obligations to report

You must report any concerns you may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you, to the Principal, including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour you must still report it.

You must also report to the Principal if you 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 about yourself.

Report your concerns to Vinod Bihari das (Mr Victor Machevsky)

- Personally, or by mail to PO Box 546 Murwillumbah, NSW 2484
- Email: vinodbihari@krishnaschool.org
- Phone: 02 6672 3788

If the allegation involves the School Principal, you are required to report to the Executive Committee of the International Society for Krishna Consciousness (Australia).

Report allegations that involve the principal to Ajita Das (Mr Jean Francois Cozzi)

- Personally, or by mail to: Ajita Das, PO Box 157, Murwillumbah. NSW 2484
- Email: ajitacozzi@gmail.com
- Phone: 0419645305

What is reportable conduct?

Definition of reportable conduct

Reportable conduct is defined as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) any assault, ill-treatment or neglect of a child; and
- c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a) 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
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

Terminology explained

Set out below, are definitions of the various terms referred to above, in relation to reportable conduct:

Sexual Offences encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- (a) indecent assault;
- (b) sexual assault;
- (c) aggravated sexual assault;
- (d) sexual intercourse and attempted sexual intercourse;
- (e) possession/ dissemination/ production of child pornography or child abuse material;
- (f) using children to produce pornography;
- (g) grooming* or procuring children under the age of 16 years for unlawful sexual activity;
- (h) deemed non-consensual sexual activity on the basis of special care relationships.

**Note about grooming: grooming refers to patterns of behaviour or conduct aimed at engaging with an alleged victim for sexual activity. Types of grooming behaviors may include:*

- a) Persuading child/children that there is a 'special' relationship';*
- b) Inappropriate gift giving;*
- c) Special favours / breaking rules;*
- d) Spending inappropriate amounts of time with a child;*
- e) Secret relationship tactics to keep relationship secret;*
- f) Testing boundaries (touching, physical contact, undressing in front of child, talking about sex,);*
- g) Extending relationship outside of work;*
- h) Personal communication about personal or intimate feelings.*

Definitions of 'grooming', within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the Child Protection (Working With Children) Act, grooming is recognised as a form of sexual misconduct. The NSW Ombudsman Act, 1974 and this Child Protection Policy reflect all of these definitions within the context of the Reportable Conduct Scheme (Part 3A).

Sexual Misconduct has two categories which include:

- a) crossing professional boundaries; and
- b) sexually explicit comments and other overtly sexual behaviour.

The alleged conduct must have been committed against, with or in the presence of a child.

Crossing professional boundaries is the sub-category of sexual misconduct that includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- i. relationship with,
- ii. conduct towards, or
- iii. focus on, a child or young person, or a group of children or young persons.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour.

Behaviour involving sexually explicit comments and other overtly sexual behaviour can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- i. inappropriate conversations of a sexual nature;
- ii. comments that express a desire to act in a sexual manner;
- iii. unwarranted and inappropriate touching;
- iv. sexual exhibitionism;
- v. personal correspondence (including electronic communications such as emails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person;

- vi. exposure of children and young people to sexual behaviour of others, including displays of pornography;
- vii. watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

A child, is a person under the age of 18 years for the purposes of the Ombudsman Act.

Physical Assault is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

Ill-treatment captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting a child in an obviously unreasonable and seriously inappropriate manner; making excessive and/or degrading demands on a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Neglect includes either an action or inaction by a person who has the care of or the responsibility towards a child. The nature of the employee's responsibilities, provides the context against which the conduct needs to be assessed.

a) Supervisory neglect:

- a. An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or
- b. An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
 - i. Involves a gross breach of professional standards, and
 - ii. Has the potential to result in the death or significant harm to a child.

b) Carer neglect:

Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

c) Failure to protect from abuse:

An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

d) Reckless act (or failure to act):

A reckless act, or failure to act, that:

- i. Involves a gross breach of professional standards, and
- ii. Has the potential to result in the death of, or significant harm to, a child.

Psychological harm. Behaviour that causes psychological harm to a child, is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

PSOA 'person subject to the allegation'.

Reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

What happens after reporting?

Initial steps

- a) Once an allegation of reportable conduct against an employee is received, the Head of Agency is required to:
- b) determine on face value whether it is an allegation of reportable conduct;
- c) assess whether Community Services or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the school proceeding with the Reportable Conduct investigation;
- d) notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police);
- e) notify the Ombudsman within 30 days of receiving the allegation;
- f) carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- g) investigate the allegation or appoint someone to investigate the allegation.

Investigation principles

The School will:

- a) be mindful of the principles of procedural fairness;
- b) inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- c) make reasonable enquiries or investigations before making a decision;
- d) avoid conflicts of interest;

- e) conduct the investigation without unjustifiable delay;
- f) handle the matter as confidentially as possible; and
- g) provide appropriate support for all parties including the child/children, witnesses and the PSOA.

Investigation steps

In an investigation, the Head of Agency or appointed investigator will generally:

- a) interview relevant witnesses and gather relevant documentation;
- b) provide a letter of allegation to the PSOA;
- c) interview the PSOA;
- d) consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- e) inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f) consider any response provided by the PSOA;
- g) make a final finding in accordance with the NSW Ombudsman Guidelines;
- h) decide on the disciplinary action, if any, to be taken against the PSOA;
- i) apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG; and
- j) send the final report to the Ombudsman and report to the OCG (where required) (see Part C).

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 Community Services or the NSW Police.

A PSOA 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 not as an advocate or to take an active role.

How is risk managed?

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Head of Agency is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

Initial risk assessment

One of the first steps following an allegation of reportable conduct against an employee is for the Head of Agency to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:

- a) the child/children who are the subject of the allegation;
- b) other children with whom the employee may have contact;
- c) the PSOA;

- d) the School; and
- e) the proper investigation of the allegation.

The factors which will be considered during the risk assessment include:

- a) the nature and seriousness of the allegations;
- b) the vulnerability of the child/children the PSOA has contact with at work;
- c) the nature of the position occupied by the PSOA;
- d) the level of supervision of the PSOA; and
- e) the disciplinary history or safety of the PSOA and possible risks to the investigation.

The Head of Agency will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child/children and the PSOA.

Note: A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

Ongoing risk management

The Head of Agency will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

Risk management at the conclusion of the investigation

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Head of Agency regarding what action, if any, is required in relation to the PSOA, the child/children involved and any other parties. Concluding risk management will be conducted.

What information is provided to the PSOA?

The PSOA will be advised:

- a) that an allegation has been made against them (at the appropriate time in the investigation); and
- b) of the substance of the allegation, or of any preliminary finding and the final finding.

The PSOA does not automatically have the right to:

- a) know or have confirmed the identity of the person who made the allegation; or
- b) be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses.

The WWCC Act, enables a person who has a finding referred to the OCG under the Act, to request access to the records held by the School in relation to the finding of misconduct involving children.

What is the process for disciplinary action?

As a result of the allegations, investigation or final findings, the School may take disciplinary action against the PSOA (including termination of employment).

In relation to any disciplinary action the School will:

- a) give the PSOA details of the proposed disciplinary action; and
- b) give the PSOA a reasonable opportunity to respond before a final decision is made.

What are the confidentiality rules?

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept in a secure private folder on the BSGServer and Principal's Office and will be accessible by the Head of Agency or with the Head of Agency's express authority.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Principal.

How are the 'reportable conduct' matters recorded?

The allegations of reportable conduct and the follow up action will be recorded by the Principal in the secure file 'Register of Reportable Conduct Matters' located on the BSGServer and accessible by the Head of Agency or with the Head of Agency's express authority. The security and privacy of the Register needs to be protected by a password. The 'reportable conduct' matters may only be shared with the authorised agencies through Section 24A of the Freedom of Information Act.

Part C – The Working With Children Act

What is the purpose of the Working With Children (WWC) Act?

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (WWCC) is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the WWCC being revoked.

What are the responsibilities of different parties under the WWC Act?

The object of the WWC Act is to protect children:

- a) by not permitting certain persons to engage in child-related work; and
- b) by requiring persons engaged in child-related work to have Working With Children Check clearances.

Schools are required to:

- a) verify online and record the status of each child-related worker's Check;
- b) only employ or engage child-related workers or eligible volunteers who have a valid Check; and
- c) report findings of misconduct involving children made against child-related workers or volunteers.
- d) if a person engaged by the school falls under the 'exempt' category <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/about-the-check/exemptions>, the school is required to have such volunteer sign the Statutory Declaration Form and monitor the engagement of the volunteer not to exceed the definition of 'exempt' category. The School principal is responsible for approving the volunteers in the exempt category.

Child-related workers and eligible volunteers are required to:

- a) hold and maintain a valid Check;
- b) inform the OCG of any changes to their residential and contact details;
- c) not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- d) report to the Principal if they are no longer eligible for a Check, the status of their Check changes or are notified by the OCG that they are subjected to a risk assessment

All volunteers are required to:

- a) to be aware and follow the expectations of conduct expressed in the School Staff Code of Conduct;
- b) Sign the Volunteer Statutory Declaration. Some volunteers engaged in high risk roles may be required to have a Check;
- c) It is a requirement that any parent who is participating in an overnight excursion must have a current WWCC and has read and signed the School's Child Protection Policy.

What are the relevant definitions?

Bars

Final bar:

This bar is applied based on a decision made by the OCG, following a risk assessment. This person is barred against working with children.

Interim bar:

An interim bar is issued to high risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to 12 months. If an interim bar remains in place for six months or longer, it may be appealed against through 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.

Interim bars are issued only for risks considered likely to result in a final bar.

Child-related work

Child-related work includes, but 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) education, 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; or
- e) transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings.

Child-related worker

A person who has physical contact or face to face contact with children in work outlined above, including schools. This may include volunteer work.

A child-related worker may commence work once they have completed the Check application process. An application is completed when the online application form is complete and the worker's identity has been proven at the NSW motor registry or Council Agency and the fee has been paid (if in paid work).

If you are unclear if your role is child-related you should speak with the Principal.

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 WWC Act.

A disqualified person is a person who has a bar preventing them from working with children in child-related work.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a Check or who has a bar or an interim bar.

It is an offence for an employee to engage in child-related worker when they do not hold a Check or have a bar or an interim bar.

Reporting body

Independent Schools which are members of the AISNSW are defined as a reporting body by the WWC Act.

Section 35 of the WWC Act requires this School to notify the OCG findings of misconduct involving children made against a child-related worker. The school may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

Risk assessment

Risk assessment is an evaluation of an individual's suitability for child-related work.

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, a pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG by the Ombudsman.

Working With Children Check (WWCC) Clearance

A Working with Children Check (Check) means authorisation under the WWCC Act to engage in child-related work. An employee will be issued with a number which is to be provided to the School to verify the status of an employee's Check.

What are the School's procedures in relation to the WWCC?

Start of employment

Any employee engaged in child related work will be required to obtain a WWCC Clearance and such Clearance will need to be verified prior to commencing the employment at Bhaktivedanta Swami Gurukula.

The School Administration Team will inform the new applicant of their obligation related to the WWCC.

The School Administration Team are responsible for maintaining the WWCC Register (BSGServer/GoogleDrive/BSG Staff/Working with Children Check) and conducting the verification check. The Administration Team is responsible to inform the Principal of the result of WWCC verification by email. Only after receiving the 'Cleared' status, the starting date for the employment can be set for the new employee. The Principal will not engage an employee until the WWCC verification is completed. The Principal will not engage an employee, should the WWCC status return 'Final Bar' or 'Interim Bar'.

The verification of WWCC is to be conducted by the School Administration Team online through the OCG website portal: <https://wwcccheck.ccyp.nsw.gov.au/Employers/Login> . The result of the WWCC will also be stored as a printed and digital copy in the employee's folder.

Maintenance of the WWCC

The School Administration Team will review the WWCC Register annually and set appropriate reminders for the staff requiring to renew their WWCC.

The onus of responsibility for maintaining the current WWCC is on the school employee.

The School Administration Team will inform the Principal of the status of renewal by email and store the clearance as a digital and printed copy in the employee's folder.

Findings of misconduct involving children

The school will report to the OCG when a finding has been made, that the person (an employee of the school) subject to the finding, has engaged in:

- a) sexual misconduct committed against, with or in the presence of a child, including grooming of a child;
or

- b) any serious physical assault of a child.

The School will advise the person that the OCG has been notified of a finding of misconduct involving children.

The WWC Act enables a person, who has a finding referred to the OCG under the Act, to request access to the records held by the School in relation to the finding of misconduct involving children.

Part D – ISKCON Australia Regulation

What are the School's requirements under ISKCON Australia's regulation?

As a condition of all devotees' involvement, ministry and/or employment within ISKCON, they, especially those who interact with children must be familiar with the ISKCON International Child Protection Office Policy and Operational Guidelines, along with the ISKCON Australia Child and Young Person Safety Standards documents. These documents are to be used as supplements in conjunction with the Current Bhaktivedanta Swami Gurukula Child Protection Policy.

What are the Safe Recruitment guidelines?

A devotee/employee screening process will endeavour to protect the children and to protect ISKCON from negligent liability as well as to provide the community with a sense of trust and safety.

Prior to employment, the Secretary will communicate with the National Child Protection Officer to have any prospective employee checked on the ISKCON International CPO 'Offender' and 'Complaints' Registry. It is the Bhaktivedanta Swami Gurukula Policy to not employ any person found on this Register.

What are the School's procedures in relation to reportable conduct under the ISKCON Australia regulation?

The Principal will communicate to the National Child Protection Officer, Amy Jenkins (Atulya Dasi) any findings made against an employee of the Bhaktivedanta Swami Gurukula. (Freedom of Information Act Section 24A).

What are the contact details of the National Child Protection Officer (ISKCON Australia)?

National Child Protection Officer - Amy Jenkins (Atulya Dasi)

- Email:- atulya@iskcon.net.au
- Phone:- 0418361365
- Mailing Address:- PO Box 127 WINCHELSEA VIC 3241

Bhaktivedanta Swami Gurukula

Founder-Acarya His Divine Grace A.C. Bhaktivedanta Swami Prabhupada

CHILD PROTECTION POLICY - ACKNOWLEDGEMENT

I _____ have read, understood and agree to comply with the terms of this Child Protection Policy (2020 - Version 2.0).

Signed

Date

This employee's signed acknowledgement will be attached to a printed copy of the Child Protection Policy, Version 2.0 and stored in the Principal's office in the current year file.