

Art Gallery of New South Wales

Child Protection Procedures

February 2003

CONTENTS

1.0 Introduction

2.0 Identifying Relevant Procedures to Follow

3.0 Child at *Risk of Harm* – Reporting Procedure

3.1 Procedural Check List

3.2 Identifying a Child at Risk of Harm

3.3 Internal Reporting Regarding a Child at Risk of Harm

3.4 Documenting Internal Report Regarding a Child at Risk of Harm

3.5 Reporting Risk of Harm to a Child to Department of Community Services (DoCS)

3.6 Where the Situation is Urgent or a Child is at Immediate Risk of Harm

3.7 Documenting the Report to DoCS of Risk of Harm to a Child

3.8 Feedback From DoCS Regarding a Report of Risk of Harm to a Child

4.0 Recruiting and Screening Employees (paid or unpaid) in Identified Positions

4.1 Procedural Check List

4.2 Requirements for Child-related Employment – Paid and Unpaid

4.3 Advertising a Paid Child-related Employment Position

4.4 Advertising an Unpaid Child-related Employment Position

- 4.5 Written Information to Prospective Applicants – Paid and Unpaid
- 4.6 Selecting and Screening Preferred Applicants - Paid Positions
- 4.7 Selecting and Screening Preferred Applicants – Unpaid Positions
- 4.8 Notification of Decision Not to Employ Based Upon Risk
- 4.9 Commencing Child-related Employment – paid or unpaid

5.0 Responding to Allegations or Convictions of Child Abuse Against Employees (paid or unpaid)

- 5.1 Procedural Check List
- 5.2 Identifying Allegations or Convictions of Child Abuse Against Employees (paid or unpaid)
- 5.3 Internal Reporting Procedure for Allegations or Convictions Against Employees (paid or unpaid)
- 5.4 Reporting Allegations or Convictions to the NSW Ombudsman
- 5.5 Investigation of Allegations or Convictions of Child Abuse Made Against Employees (paid or unpaid)
- 5.6 Rights of Employee Against Whom an Allegation of Child Abuse is Made

6.0 Confidentiality and Records Management

- 6.1 Confidentiality
- 6.2 Maintenance of records
- 6.3 Access to records
- 6.4 Disposal of records

7.0 Appendices

- 7.1 Introduction to the Appendices

7.2 Reporting Risk of Harm

Definitions and Concepts

- 7.2.1 Risk of Harm
- 7.2.2 Reasonable Grounds
- 7.2.3 Report of Risk of Harm
- 7.2.4 Class of Children or Young People
- 7.2.5 Mandatory Reporting
- 7.2.6 Reporting Homelessness
- 7.2.7 Legal Protection for Persons Reporting
- 7.2.8 Types of Child Abuse and Neglect
- 7.2.9 Indicators of Child Abuse and Neglect

- 7.2.10 Guidelines
Responding to a Child's Disclosure of Abuse or Neglect

7.2.11 Reporting Form

Child at Risk of Harm

7.3 Recruiting and Screening Employees

Definitions and Concepts

- 7.3.1 Child-Related Employment
- 7.3.2 Employee
- 7.3.3 Prohibited Person
- 7.3.4 Screening

7.3.5 Working With Children Check

Code of Conduct

7.3.6 Code of Conduct for Child Protection in the Workplace

(Please note that this Code is repeated in the *Child Protection Policy*)

Declaration Forms

7.3.7 Paid Employee Declaration to Comply With Child Protection Policy & Procedures

7.3.8 Unpaid Employee Declaration to Comply With Child Protection Policy & Procedures

7.3.9 Prohibited Persons Declaration Form (*needs to be included*)

7.3.5 Working With Children Check – Consent Form (*needs to be included*)

7.3.6 Working With Children Check – Request for Screening Form (*needs to be included*)

7.4 Responding to Allegations or Convictions of Child Abuse Against Employees

Definitions and Concepts

7.4.1 Employee

7.4.2 Child Abuse

7.4.3 Allegation of Child Abuse

7.4.4 Conviction for Child Abuse

Reporting Forms

7.4.5 Allegation of Child Abuse Against an Employee (*Internal Report*)

7.4.6 Reporting to the NSW Ombudsman - Notification Form

7.5 Key Child Protection Contacts

1.0 Introduction

The following Child Protection Procedures outline the actions to be taken to comply with the Child Protection Policy and with child protection legislation in NSW. The procedures are deliberately prescriptive to provide guidance and support to employees and volunteers in implementing their child protection obligations. To assist in absorbing the amount of information provided, each section begins with a checklist of the procedures to follow, which is followed by relevant contextual information. The first step is to *identify the Relevant Procedures to Follow (Section 2.0)*.

2.0 Identifying Relevant Procedures to Follow

Where a staff member develops a concern in the course of their work for the safety, welfare and well-being of a child the first step to take is to determine the relevant procedure to follow.

2.1 Reporting Procedures

2.1.1 Allegation that a Child is at *Risk of Harm* (but not by an Employee)

Where the concern is about a child aged under 16 being at risk of harm but not at risk from the conduct of an employee (paid or unpaid) of the Art Gallery of NSW, the Child at Risk of Harm Reporting Procedure 3.0 below must be followed.

Where the concern is for a child aged 16 or 17 but not at risk from the conduct of an employee (paid or unpaid) of the Art Gallery of NSW, then there is no requirement to take action under this policy but staff may choose to report the risk of harm as a private citizen.

2.1.2 Allegation that a Child is at Risk of Harm by an Employee or Volunteer

Where the concern is about an allegation or conviction of child abuse of a child aged under 18 made against an employee (paid or unpaid) where it is believed the abuse occurred in the course of the person's employment in the Art Gallery of NSW, the Responding to Allegations or Convictions of Child Abuse Against Employees procedure 5.0 below must be followed.

2.2 Recruitment and Selection Procedures

Where staff are participating in the recruitment or transfer of staff for a child-related employment position (paid or unpaid) within the Art Gallery of NSW, the Child Protection Procedures for Recruiting and Screening Employees 4.0 must be followed.

2.3 Recordkeeping

In all the above situations the procedures in section 6.0 regarding maintenance of records must be followed.

3.0 Child at Risk of Harm – Reporting Procedure

3.1 Procedural Check List

The following is provided as a key task checklist for use once the reader is familiar with the full text of the procedures.

Identifying A Child at Risk of Harm

- Is the child aged under 16 years?

- Are there reasonable grounds to suspect risk of harm from one or more of the following circumstances?
 - a) The child 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 care givers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
 - c) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
 - d) 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;
 - e) A parent or 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

- Are the concerns current?

If yes to all three then proceed to reporting.

NOTE: where the report involves an allegation against an employee refer to Responding to Allegations of Child Abuse Against Employees.

Internal Reporting Regarding a Child at Risk of Harm

- Mandatory reporter promptly report concern about the child at risk of harm to the Human Resources Manager.
- Provide currently known information to the Human Resources Manager to complete a Child at Risk of Harm Reporting Form.
- Do not inform the parent/guardian or alleged abuser of the intention to report.

Reporting Risk of Harm to a Child to Department of Community Services Helpline

- The Human Resources Manager promptly make the report to the DoCS Helpline on 13 36 27 (24hrs 7 days).
- Record on the Child at Risk of Harm Reporting Form the date and time of the report, the name of the DoCS Helpline Caseworker to whom the report was made, and the DoCS Helpline report reference number.
- If the child is currently on the premises ask DoCS Helpline Caseworker for advice regarding what to do, and record the advice given on the Child at Risk of Harm Reporting Form.
- The Human Resources Manager places the completed Child at Risk of Harm Reporting Form in a secure file.

Follow-up After a Report of Risk of Harm to a Child

- Staff member who raised the report concern follow-up with the Human Resources Manager within 2 days to ensure the report has been made to the DoCS Helpline.
- Optional – the Human Resources Manager obtain feedback from DoCS regarding the progress of the investigation and assessment and inform the staff member who made the report.

3.2 Identifying a Child at Risk of Harm

Any staff member who is a mandatory reporter (refer to Definitions section in appendix for a list), who forms a suspicion upon reasonable grounds in the course of their work, that a child aged under 16 is at risk of harm (see appendix for

definition of risk of harm) must promptly raise that current concern with the Human Resources Manager who is designated under this policy to make the reports to the Department of Community Services Helpline.

Any staff member who is not a mandatory reporter who forms a suspicion upon reasonable grounds in the course of their work, that a child, or class of children, aged under 16 is at risk of harm (see appendix for definition of risk of harm) may raise that concern with the Human Resources Manager but there is no obligation to do so.

Reasonable grounds to suspect risk of harm to the child may arise from any of the following:

- A disclosure by the child or another person that the child (aged under 16) has been abused or neglected Note if a child or anyone else alleges that a child aged under 18 has been abused in any way by an employee of the agency then the procedures for Responding to Allegations or Convictions of Child Abuse Against Employees should be followed. or is at risk of such or
- Observation of indicators of child abuse and neglect (refer to Appendix for list of indicators) or
- Witnessing an incident involving a child (aged under 16) which leads to a suspicion that the child is at risk of harm or
- A combination of the above

Staff should not attempt to investigate their concerns for a child's safety by probing for information from the child, parents or alleged abuser.

If the staff member or the Human Resources Manager are uncertain as to whether there are reasonable grounds to suspect the child is at risk of harm, then advice should be sought from a Caseworker at the Department of Community Services Helpline who can advise whether the matter is reportable or not. Advice given by the Helpline, the name of the Caseworker providing the advice and the date should be recorded on the Child at Risk of Harm Reporting Form (see Appendix).

All such discussions regarding a child at risk of harm must be kept strictly confidential.

3.3 Internal Reporting Regarding a Child at Risk of Harm

Staff who are mandatory reporters must promptly report their concern about a child at risk of harm to the Human Resources Manager who is designated under this policy to make the reports to the Department of Community Services Helpline.

Staff who are mandatory reporters who report their concern about a child at risk of harm should follow-up with the Human Resources Manager within 2 working days to ensure that the report has been made to the Department of Community Services.

Staff should note that it is the individual professional responsibility of mandatory reporters to ensure the report is made.

Staff should not inform the parent/guardian of their intention to report as in some cases this could place the child at greater and/or immediate risk of harm. This is particularly the case in situations involving domestic violence or sexual abuse. Informing parents/guardians will be done by the Department of Community Services once a report is made. The Department of Community Services is required by law not to disclose the identity of the reporter to the family.

3.4 Documenting Internal Report Regarding a Child at Risk of Harm

A Child at Risk of Harm Reporting Form is to be completed by the Human Resources Manager in consultation with the staff member who raised the concern about the child. This information is to form the basis for the report to the Department of Community Services and so should be as comprehensive as possible regarding the information known about the child and their circumstances. Staff should not attempt to gain extra information by investigating or by approaching the child or parents or alleged abuser. Investigation and assessment is the role of the Department of Community Services.

The Child at Risk of Harm Reporting Forms are to be kept by the Human Resources Manager in a secure file where it cannot be readily accessed by others and it to be marked confidential.

3.5 Reporting Risk of Harm to a Child to Department of Community Services

The Human Resources Manager will make the report of risk of harm to the NSW Department of Community Services Helpline (operates 24hours a day, 7 days a week). If more than one child is at risk of harm then a risk of harm report to DoCS must be made for each child.

Where the Human Resources Manager is absent/uncontactable and the concern is urgent, then the staff member must report their concern to the Deputy Manager, Security Services who will make the report to the DoCS Helpline.

As a general rule reports to the DoCS Helpline should be made on the day the concern is raised by a staff member if not immediately.

Reports to the DoCS Helpline are made by phone. The Human Resources Manager or the Deputy Manager, Security Services may make the phone call to the DoCS Helpline in the presence of the staff member who raised the concern if appropriate. As much relevant currently known information as possible should be available when making the call to DoCS, without unduly delaying the call.

The Caseworker at the DoCS Helpline may seek a range of information to assist in the initial assessment of the child's situation. Note that provision of information when making a report of risk of harm to DoCS does not constitute a breach of confidentiality or professional etiquette.

The Human Resource Manager should record information as listed below in 3.6.

3.6 Where the Situation is Urgent or a Child is at Immediate Risk of Harm

Where the concern for a child arises from a disclosure of abuse or neglect by a child or from observation of suspicious injuries to the child or where the child is believed to be at immediate risk, the report should be made immediately by the Human Resources Manager to Department of Community Services (DoCS), as prompt intervention may be needed for the child's safety.

If the situation for the child is urgent and the child is currently on the Art Gallery premises then the Human Resources Manager should seek advice from the DoCS Helpline Caseworker regarding what to do next for the child.

It should be noted that staff do not have the authority to refuse to allow a child to leave the premises, nor to refuse to hand a child over to their parent/guardian. Staff do not have the authority to take a child anywhere without the expressed consent of the parent/guardian. In the event that a child at risk of harm is abandoned at the Art Gallery premises then Police and, if needed an Ambulance, should be called in addition to calling the DoCS Helpline.

If a child at risk of harm is fearful and insists they do not wish to go with the parent/guardian and the parent/guardian is present to take the child, then the Police should be immediately called and the DoCS Helpline informed promptly.

3.7 Documenting the Report to DoCS of Risk of Harm to a Child

The completed Child at Risk of Harm Reporting Form is to be the agency record of the report. Staff should ensure the following are recorded on the form:

- Any details about the child/ren known to staff

- Reasons for concern for the child's safety

- Details of any incident observed by staff

- Details of any indicators observed by staff

- Details of any disclosure made to staff – recorded in the words used in the disclosure if possible (eg. if a child disclosed abuse then write down the words the child used)

- the name of the DoCS Helpline Caseworker to whom the report was made

- details of any advice given by the DoCS Caseworker regarding what staff should/should not do in relation to the child

- the time and date the report was made

- the DoCS Helpline reference number for the report

3.8 Feedback From DoCS Regarding a Report of Risk of Harm to a Child

The Department of Community Services is required to provide feedback to mandatory reporters regarding reports they make. The Human Resources Manager may if they wish call the DoCS Helpline or the relevant DoCS Community Services Centre to obtain feedback on the progress of the assessment and investigation into the report. Such feedback should be recorded with the report details in the confidential file. The staff member who reported the child's situation to the Human Resources Manager should be informed of the feedback from DoCS. All such discussion should be kept confidential.

4.0 Procedures for Recruiting and Screening Employees (paid or unpaid) In Identified Positions

4.1 Procedural Checklist

- Is this position a child-related employment position? (refer to definition & child-related employment positions list) If yes, proceed with the following.

Advertising a Paid or Unpaid Child-related Employment Position

- For paid positions include the following words in the ad.
It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position. Relevant criminal history, Apprehended Violence Orders and prior employment checks, including relevant disciplinary proceedings, will be conducted on recommended applicants

- For unpaid positions include the following words in the ad.
It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position.

Information to Prospective Applicants for Child-related Employment

Inform all persons who inquire about the position of the following:

- It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position. Applicants will be requested to complete a Prohibited Persons Declaration
- Preferred applicants for paid positions will be requested to consent to a Working With Children Check
- Referee checks will be conducted to assess preferred applicants' suitability for child-related employment

Selecting and Screening Preferred Applicants – Paid Positions

- Prohibited Persons Declaration Form completed and signed by applicant
- Consent to Working With Children Check signed by applicant
- Working With Children Check Request form completed and sent to the Department of Education and Training Screening Unit
- Response received from Department of Education and Training Screening Unit and no issues identified (Where issues of concern identified refer to full text procedures)
- Structured referee checks for applicant completed by head of recruiting panel or their delegate (re suitability for child-related employment) and no issues of

concern identified (Where issues of concern identified refer to full text procedures)

- ❑ Place Working With Children Check information and completed Prohibited Persons Declaration Form on the secure child protection file held by the Human Resources Manager.

Selecting and Screening Preferred Applicants – Unpaid Positions

- ❑ Prohibited Persons Declaration Form completed and signed by applicant
- ❑ Structured referee checks for applicant completed by head of recruiting panel or their delegate (re suitability for child-related employment) and no issues of concern identified (Where issues of concern identified refer to full text procedures)
- ❑ Place completed Prohibited Persons Declaration Form on the secure child protection file held by the Human Resources Manager.

Commencing Child-related Employment – paid or unpaid

- ❑ The Human Resources Manager obtains a clearance to offer a child-related employment position to the preferred applicant
- ❑ Child Protection Policy provided to and read by the new employee in a paid child-related employment position, including Code of Conduct for Child Protection in the Workplace
- ❑ Child Protection Policy explained to the new employee in an unpaid child-related employment position, including Code of Conduct for Child Protection in the Workplace

4.2 Requirements for Child-related Employment – Paid and Unpaid

Refer to the definition of child-related employment at section 7.3.1 in the Appendix.

Requirements regarding the recruitment and screening of persons for child-related employment differs for paid and unpaid positions.

Prohibited Persons Declaration:

- A Prohibited Persons Declaration Form (see appendix) must be completed by all current paid and unpaid persons in child-related employment positions (ie. persons who did not do this on entry to the position as the requirement was not in force at that time).
- A Prohibited Persons Declaration Form must be completed by preferred applicants for any paid or unpaid child-related employment positions.

- An employee who believes that s/he is or might be a prohibited person must inform the Director immediately.
- An employee who believes that another employee paid or unpaid, is a prohibited person must promptly inform the Human Resources Manager who in turn must inform the Director.
- Upon becoming aware that an employee is or may be a prohibited person the Director will promptly seek legal and other advice on the appropriate course of action including seeking advice from the Commission for Children and Young People and the NSW Ombudsman.

Working With Children Check:

- A Working With Children Check (refer to Working With Children Check Guide for Employers) must be requested for all preferred applicants for paid child-related employment positions. This includes transfers into child-related employment positions by existing employees.
- A Working With Children Check may be requested for all current paid and unpaid persons in child-related employment positions (ie. persons who were not screened on entry to the position as the requirement was not in force at that time). This is recommended where the unpaid position involves a lot of contact with children (under 18) where that contact is not directly supervised.
- A Working With Children Check may be requested for all preferred applicants for unpaid child-related employment positions. This is recommended where the unpaid position involves a lot of contact with children (under 18) where that contact is not directly supervised.

Additional Screening Requirements:

- The convenor [of the recruitment panel](#) for any paid child-related employment positions must ensure that the additional screening requirements (ie. referee checks and previous employer checks) are also completed for preferred applicants for paid child-related employment positions.
- The convenor [of the recruitment panel](#) for any unpaid child-related employment positions may ensure that the additional screening requirements (ie. referee checks and previous employer checks) are also completed for preferred applicants for unpaid child-related employment positions. This is recommended where the unpaid position involves a lot of contact with children (under 18) where that contact is not directly supervised.

4.3 Advertising a Paid Child-related Employment Position

The advertisement for any paid child-related employment position should include the following wording:

- *It is an offence under the NSW Child Protection (Prohibited*

Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position.

AND

• Relevant criminal history, Apprehended Violence Orders and prior employment checks, including relevant disciplinary proceedings, will be conducted on recommended applicants.

It is the responsibility of the convenor [of the recruitment panel](#) to ensure the advertisement is appropriately worded.

If it is not practicable to include entire wording in an advertisement for a paid child-related employment position, then all persons who inquire about the position must be informed, in writing, about the above information.

4.4 Advertising an Unpaid Child-related Employment Position

The advertisement for any unpaid child-related employment position should include the following wording:

• It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position. Where a decision has been made to also conduct the Working With Children Check for this unpaid child-related employment position then the wording as for paid positions (see above) may be used.

If it is not practicable to include the entire wording in an advertisement for an unpaid child-related employment position, or where an advertisement has not been the method used, then all persons who inquire about the position must be informed, in writing, about the above information.

The person having responsibility for recruiting unpaid persons in child-related positions is also responsible to ensure these requirements are fulfilled.

4.5 Written Information to Prospective Applicants –paid or unpaid

All persons who inquire about and wish to apply for a paid or unpaid child-related employment position must be provided in writing with the following information:

• The requirements of the NSW Child Protection (Prohibited Employment) Act 1998 relating to their application. In particular that it is an offence for a person convicted of a serious sex offence to apply for this position. Applicants will be requested to complete and sign a Prohibited Person Declaration Form. Applicants who decline to complete and sign a Prohibited Persons Declaration cannot be offered the position.

• The screening process that will be undertaken in relation to their application or child-related employment including structured referee checks, criminal history checks, certain Apprehended Violence Orders checks, and relevant disciplinary proceedings checks with past and or current employers.

• Applicants will be requested to consent to a Working With Children Check (for all

paid positions and if applicable for unpaid positions) by signing a Working With Children Check Consent Form (see Appendix). If an applicant is unwilling to consent to a Working With Children Check then they cannot be offered the position.

In addition applicants should be provided with an application form that will assist the organisation to collect the information required by legislation. An application form as a minimum should include:

- Nomination of two (or more if appropriate) referees with full contact details
- A detailed work history, and
- A signed consent to the screening process (ie. Working With Children Check Consent and the additional screening requirements consent)
- An attached copy of the Prohibited Persons Declaration Form for the applicant to complete and sign.

4.6 Selecting and Screening Preferred Applicants – Paid Positions

Once the applications have been considered and if relevant interviews held and the preferred applicants for the child-related employment position have been identified, the following procedures should be followed.

Applicants who fail to complete and sign the Prohibited Persons Declaration Form or the Working With Children Consent Form cannot be offered a paid child-related employment position.

Applicants who complete and sign the Prohibited Person declaration Form indicating they are or may be a Prohibited Person (have conviction/proven case for a serious sex offence) must not be offered a child-related employment position. It is an offence to commence employing or to continue employing a person who the employer knows is a Prohibited Person. If a Prohibited Person applies for a child-related employment position then the Department of Education and Training Screening Unit or the NSW Commission for Children and Young People should be promptly informed. Steps for legal action may be instigated against the Prohibited Person by the Commission for Children and Young People which, if successful carries a penalty of imprisonment up to 12 months.

For all preferred applicants (ie. those to whom the position may be offered and those to be put on an eligibility list) for paid child-related employment positions the following must be completed prior to offering the position:

- A Prohibited Persons Declaration Form completed and signed by the applicant
- Request for Working With Children Check completed and sent to the Department of Education and Training Screening Unit
- Written response from the Department of Education and Training Screening Unit regarding the outcome of the Working With Children Check. Where it is not practicable for the check to be completed prior to employment commencing and this can be justified then the check should be completed as soon as possible after

the person is employed. In this case the person must be informed that their employment is conditional on the satisfactory completion of the checking process.

- Structured referee checks completed by the convenor [of the recruiting panel or their delegate](#). This verbal conversation with each nominated referee must include as a minimum the following:

- Clear statement to the referee about the purpose of the contact (ie. to check the applicant's suitability for the position and in particular suitability for a child-related position)

- Asking in what capacity the referee is giving a reference and for what period they have known the applicant

- Stating that the applicant has applied for a child-related employment position and asking if the referee has any knowledge that may be relevant to assessing their suitability for work in contact with children

- If the nominated referees do not include the applicant's current and most recent employer then details should be sought from the applicant to make contact with their current or most recent employer to assess their suitability for the child-related employment position.

- Information obtained from referees must be recorded in writing and disclosed to all members of the recruitment panel to allow for informed decision making regarding offers of child-related employment

- If there are adverse findings from the Working With Children Check, the Department of Education and Training Screening Unit must be requested to provide a Risk Assessment Report determining the risk of employing the person in child-related employment. In this event the Screening Unit is responsible for informing the applicant and verifying the information but the convenor [of the recruiting panel](#) must ensure that this has been done.

- Based upon the Risk Assessment undertaken by the Department of Education and Training Screening Unit and a risk assessment conducted by the [recruiting panel](#) (where adverse information arises from referee checks) decide whether to offer child-related employment to any person who has issues identified through the checking process.

- Prior to making an offer of employment to the successful applicant, the proposal to employ this person must be cleared by the Human Resources Manager. This applies to recruitment and transfers for all child-related employment positions.

- Information from the Working With Children Check must be kept confidential and the privacy of any person who is checked must be ensured. Information must not be inappropriately obtained relating to the Working With Children Check (ie. not obtained for any person or any purpose other than to assess the suitability of applicants/current position holders for child-related employment)

In the event that an applicant for child-related employment is rejected because of a risk assessment in employment screening, then the NSW Commission for Children and Young People must be promptly notified (see 4.7 below).

In addition the following records should be kept securely confidentially and

separate from personnel files:

- The basis for the decision not to employ the person at this time if that decision was primarily based upon an assessment of unacceptable risk in child-related employment
- The basis for any decision to employ, despite adverse information gained through the checking process.

It is the responsibility of the convenor [of the recruitment panel](#) to ensure that all the above requirements for selecting and screening applicants are fulfilled.

4.7 Selecting and Screening Preferred Applicants – Unpaid Positions

Applicants who fail to complete and sign the Prohibited Persons Declaration Form cannot be offered a paid or unpaid child-related employment position.

Applicants for unpaid child-related employment who complete and sign the Prohibited Person declaration Form indicating they are or may be a Prohibited Person (have conviction/proven case for a serious sex offence) must not be offered a child-related employment position. It is an offence to commence employing or to continue employing a person who the employer knows is a Prohibited Person. If a Prohibited Person applies for a child-related employment position then the Department of Education and Training Screening Unit or the NSW Commission for Children and Young People should be promptly informed. Steps for legal action may be instigated against the Prohibited Person by the Commission for Children and Young People which, if successful carries a penalty of imprisonment up to 12 months.

For all preferred applicants (ie. those to whom the position may be offered and those to be put on an eligibility list) for unpaid child-related employment positions the following must be completed prior to offering the position:

- A Prohibited Persons Declaration Form completed and signed by the applicant
- Structured referee checks completed by the convenor [of the recruiting panel or their delegate](#). This verbal conversation with each nominated referee must include as a minimum the following:
 - Clear statement to the referee about the purpose of the contact (ie. to check the applicant's suitability for the position and in particular suitability for a child-related position)
 - Asking in what capacity the referee is giving a reference and for what period they have known the applicant
 - Stating that the applicant has applied for a child-related employment position and asking if the referee has any knowledge that may be relevant to assessing their suitability for work in contact with children

Where a decision has been made (and it is advisable though not mandatory) to

also conduct the Working With Children Check for preferred applicants for the unpaid child-related employment position, then the same procedure as for paid positions should be followed (see 4.5 above)

4.8 Notification of Decision Not to Employ Based Upon Risk

Should a decision be made by the recruiting panel not to offer a person child-related employment as a consequence of a risk assessment undertaken through the Working With Children Check, then the NSW Commission for Children and Young People must be promptly notified.

The information required by the Commission for Children and Young People is limited to:

- Full name of the person denied employment
- The gender of the person denied employment
- Date of birth of the person denied employment
- Organisation denying employment and relevant contact officer
- Date of decision to deny employment
- Position for which the person applied and was denied

The Commission shall retain the information for the purposes of auditing and monitoring the checking process only. The information will not be released to any person and shall not be used to determine a prospective employee's suitability for future employment opportunities.

4.9 Commencing Child-related Employment – paid or unpaid

The clearance of the Human Resources Manager must be obtained prior to making an offer of a child-related employment position to a preferred applicant. This includes applicants who are employees transferring into a child-related employment position.

When the successful applicant for a paid or unpaid child-related employment position commences their employment information on the Child Protection Policy must be provided to them as soon as possible after commencement.

Persons commencing paid child –related employment are to be requested to read the Child Protection Policy and sign an acknowledgment that they have read the policy and will comply with it in their duties. Particular attention should be drawn to the Appendix – Code of Conduct for Child Protection in the Workplace and to the responsibility of all employees in child-related employment to inform their employer if they become a Prohibited Person and to remove themselves from child-related employment.

Persons commencing unpaid child-related employment are to be requested to read the Child Protection Policy (with attachments) and sign an acknowledgment that they have read the policy and will comply with it in their duties. Upon their induction, they are also to be advised generally on the content of the Child

Protection Procedures and how a copy of the Procedures can be accessed.



5.0 Responding to Allegations or Convictions of Child Abuse Against Employees (paid or unpaid)

5.1 Procedural Checklist

Identify the Nature of the Allegation

Is the nature of allegation one or more of the following?

a) Allegation against paid employee of abuse of a child (under 18) in the course of his/her work

b) Allegation against unpaid employee of abuse of a child (under 18) in the course of his/her work

c) Paid employee allegedly has conviction for child abuse (of child aged under 18) in the course of his/her work

d) Unpaid employee allegedly has conviction for child abuse (of child aged under 18) in the course of his/her work

e) Alleged misconduct by a paid employee in the course of his/her work that may involve child abuse

f) Alleged misconduct by an unpaid employee in the course of his/her work that may involve child abuse

g) Paid employee is allegedly a Prohibited Person

h) Unpaid employee is allegedly a Prohibited Person

If yes, proceed to reporting.

Reporting of Allegation of Child Abuse Against an Employee

Promptly report any allegation or conviction of child abuse (a-h above) to the Human Resources Manager.

The Director informed of allegation against employee by the Human Resources Manager.

The Director notify the NSW Ombudsman in writing using the Child Protection Notification Form – Reporting to the NSW Ombudsman, within 30 days of becoming aware of allegation

Where the allegation meets the definition of risk of harm the Human Resources Manager make a Risk of Harm Report to the DoCS Helpline (refer Risk of Harm Reporting Procedures)

- ❑ The Director considers and if appropriate initiates an investigation of the allegation in accordance with the NSW Ombudsman document Child Protection - Responding to Allegations of Child Abuse Against Employees

Investigation of Allegation of Child Abuse Against Employee

- ❑ The Director determines if employee will be withdrawn from child contact duties during the investigation
- ❑ Investigation conducted in accordance with NSW Ombudsman document Child Protection - Responding to Allegations of Child Abuse Against Employees
- ❑ Upon completion of the investigation the Director inform the NSW Commission for Children and Young People and the Dept of Education and Training Screening Unit of the outcome of the investigation and any resulting disciplinary proceedings irrespective of the findings.
- ❑ Police informed where the allegation gives the Director reasonable grounds to believe that a criminal offence has been committed against the child.

5.2 Identifying Allegations or Convictions of Child Abuse Against Employees (paid or unpaid)

As a Public Authority the Art Gallery of NSW is required by law to notify the NSW Ombudsman of allegations or convictions of child abuse against paid or unpaid employees (refer to definition of employee in appendix), which occur in the course of work for the organisation.

An allegation of child abuse may be made in writing or verbally and can be made anonymously. It is not necessary for the word 'allegation' or 'complaint' to be used by the person providing information for the matter to be considered an allegation. An allegation of child abuse is simply information that an employee has in the course of work for the Art Gallery of NSW abused a child aged under 18 at the time, or information about misconduct that may involve child abuse.

A conviction of child abuse includes information that a paid or unpaid employee has been convicted in NSW or elsewhere of any offence involving child abuse, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

Staff (other than the Director) who becomes aware of an allegation or conviction must not attempt to investigate the allegation and must not inform the employee concerned that an allegation has been made against them.

A staff member may become aware of an allegation or conviction of child abuse against an employee by various means including for example:

- A disclosure by a child, parent/guardian, carer, colleague, witness to an incident or any other person with knowledge of the alleged abuse or conviction
- Witnessing an incident of an employee abusing a child or engaging in misconduct that may involve child abuse (eg. witnessing inappropriate touching

of a child by an employee, or witnessing an employee threatening to harm a child or witnessing an employee giving gifts to a child in return for secrecy)

- A disclosure whether intended or not, by an employee that gives suspicion that an employee has engaged in misconduct that may involve child abuse or has a conviction for child abuse.

5.3 Internal Reporting Procedure for Allegations or Convictions Against Employees (paid or unpaid)

Any staff member (paid or unpaid) who becomes aware of an allegation or conviction of child abuse of a child aged under 18 at the time of the abuse (Refer to definition of child abuse in appendix) against a paid or unpaid employee of the Art Gallery of NSW where the alleged abuse or conviction occurred in the course of work for this organisation, must promptly inform the Human Resources Manager.

The staff member who becomes aware of the allegation or conviction must not inform the employee concerned in order to protect the integrity of any future investigation. How and when the employee will be informed is a decision for the Director in consultation with the person responsible for conducting the internal investigation and the appropriate authorities involved.

The Human Resources Manager is responsible for initiating the required further action including:

- Informing the Director
- Requesting the Director to consider and if appropriate initiate an internal investigation of the allegation or conviction in accordance with the document NSW Ombudsman Child Protection – Responding to Allegations of Child Abuse Against Employees (see Human Resources)
- Ensuring the NSW Ombudsman is notified in writing as soon as practicable but in any case within 30 days of the Director becoming aware.
- Ensuring any staff with knowledge of the matter are directed to maintain confidentiality (as described below).

Staff who become aware of an allegation or conviction of child abuse against a paid or unpaid employee must not discuss the matter with other people. If however an investigation by the Police or Department of Community Services or a disciplinary investigation/inquiry is needed, the staff member who became aware of an allegation may be required to answer questions on the matter.

5.4 Reporting Allegations or Convictions to the NSW Ombudsman

Any allegation or conviction of child abuse made against a paid or unpaid employee where the alleged abuse occurred in the course of work for the Art Gallery of NSW must be notified in writing to the NSW Ombudsman by the Director as soon as practicable, but in any event within 30 days of becoming aware of the allegation or conviction.

The person that the Director delegates to prepare the written notification to the Ombudsman will usually be the Human Resources Manager. See Appendix Child Protection Notification Form – Reporting to the NSW Ombudsman.

The copy of the Child Protection Notification Form – Reporting to the NSW Ombudsman must be kept in a secure and confidential file.

Allegations of child abuse made against employees must be notified to the Ombudsman regardless of the agency view about the strength or otherwise of the allegation and whether or not you believe that the abuse has taken place.

The Ombudsman will determine whether an investigation into an allegation or conviction of child abuse against an employee was properly conducted and whether appropriate action was taken as a result of the investigation.

Where the allegation meets the definition of risk of harm (refer to definition of risk of harm) the Human Resources Manager will make a risk of harm report in relation to the child to the NSW Department of Community Services Helpline (refer to procedures for reporting risk of harm to a child).

5.5 Investigation of Allegations or Convictions of Child Abuse Made Against Employees (paid or unpaid)

The Director will determine if the employee against whom the allegation of child abuse has been made will or will not be withdrawn for the period of the investigation from duties that bring the person into contact with children. Where the investigation process finds that there is no substance to the allegation, the person will be reinstated to full duties. Where the investigation finds that there is substance to the allegation, then the Art Gallery's disciplinary processes will be applied.

The internal investigation may be conducted by an appropriately skilled person within the organisation or by an outside person appointed by the Director. The investigation will be compliant with the requirements of the Public Sector Management Act, including respecting the rights of employees to natural justice. The investigation will also be compliant with the guidelines set out in the NSW Ombudsman Child Protection – Responding to Allegations of Child Abuse Against Employees (see Human Resources). The person conducting the investigation must consult with the Department of Community Services and Police if they are involved regarding the timing of investigation interviews and informing the employee of the allegations. This is important to ensure any child protection or criminal investigations are not jeopardised by the internal investigation process.

At the completion of the internal investigation the person appointed by the Director to conduct the investigation will report the findings and outcome of the investigation to the Director and will provide the following for reporting to the NSW Ombudsman by the Director:

- Any report prepared by or for the Art Gallery of NSW relating to the investigation, as well as copies of all statements and other documents which form the basis of that report

- Any comments the Director may wish to make about the investigation report

- Advice as to what action has been taken or is proposed to be taken in respect of the child abuse allegation or conviction.

At the completion of the investigation process the Director will inform the NSW Commission for Children and Young People of the outcome of the investigation and any resulting disciplinary proceedings irrespective of the finding of such proceedings. The Department of Education and Training Screening Unit must also be advised of completed relevant disciplinary proceedings.

Where the allegation gives the Director reasonable grounds to believe that a criminal offence has been committed against the child, then the Police will also be informed.

All reports, statements, tapes or other materials related to the investigation of an allegation against a staff member will be maintained permanently in a secure confidential file. The Director and the Human Resources Manager will have access to the confidential file containing such investigation materials.

5.6 Rights of Employee Against Whom an Allegation of Child Abuse is Made

Investigations into allegations of child abuse against an employee are to be conducted:

- fairly and without bias
- without undue delay
- by a person who does not have a conflict of interest in the matter being investigated. This person will be selected for the specific investigation by the Director.
- ensuring that the outcome and determination is supported by evidence.

Staff against whom an allegation of child abuse is made will be treated in accordance with the principles of natural justice and afforded procedural fairness in the investigation and if it proceeds, in any subsequent disciplinary process. The process will be conducted in accordance with the general disciplinary policy. If a staff member feels aggrieved they are entitled to initiate a grievance under the grievance policy and procedures.

This includes:

- Before completing an investigation of an allegation or conviction of child abuse against an employee, the Director or their delegate will inform the employee of the substance of the allegation against them and provide the employee with a reasonable opportunity to put their case forward.
- The employee will be informed by the Director or their delegate that they are entitled to seek advice from the relevant union if they so wish and will have the same rights afforded to them as for any fact finding investigation or disciplinary matters. Refer to the general disciplinary policy and procedures.

- If the finding of the investigation is adverse then the employee will also be given an opportunity to add a dissenting statement, if they so wish.
- The employee has the same rights to review and appeal as for other disciplinary matters. Refer to the general disciplinary policy and procedures.
- The employee against whom an allegation of child abuse has been made is entitled to make a complaint to the NSW Ombudsman if they are unhappy with the conduct of the investigation.

A staff member who is under investigation in relation to an allegation of child abuse may be withdrawn from duties involving contact with children during the investigation. The staff member, if they are a permanent paid employee will not be financially jeopardised during the investigation period. If the investigation confirms the allegation and the matter proceeds to a disciplinary inquiry then the general disciplinary provisions including suspension may be applied if appropriate to the circumstances of the individual case.

The Director or his/her delegate will offer support as deemed appropriate to the staff member against whom an allegation has been made. This may include for example provision of information regarding their rights, sources of advocacy support, counselling and advice should they seek this.

In the event that an allegation against an employee is proven to be vexatious, extra care should be given to ensure that the situation is treated with sensitivity, particularly in managing the circumstances in relation to the employee against whom the allegations were made.

6.0 Confidentiality and Records Management

6.1 Confidentiality

The following procedures should be read in conjunction with the general privacy and personal information management procedures.

Strict confidentiality is to be maintained for all records and information pertaining to child protection matters.

The Human Resources Manager will maintain all child protection records in secure files and access will be strictly controlled.

It is an offence under section 42 of the Commission for Children and Young People Act 1998 to disclose any information obtained in connection with employment screening or to dishonestly obtain confidential information relating to employment screening.

6.2 Maintenance of Records

Staff making records of child protection matters should ensure records are accurate and factually based to the best of their knowledge at the time. Staff should avoid expressing opinions or making judgements in the record that are beyond those for which they are qualified to make.

A file for each of the following will be kept securely in a location where the Human Resources Manager can strictly control access.

- File for Reports of Risk of Harm to children
- File for responses to the Working With Children Check screening of preferred applicants for child –related employment positions
- File for completed Prohibited Person Declaration forms signed by preferred applicants and employees.
- A separate file for each occurrence of an allegation or conviction made against an employee (paid or unpaid).

Records pertaining to allegations of child abuse made against employees are not to be attached to personnel files of relevant employees and are to be managed in accordance with records management for other professional conduct/disciplinary matters.

If an allegation against an employee is investigated and proven to be vexatious, all documents related to the allegation shall clearly be marked with the words "Proven Vexatious Allegation" and signed by the authorised person within the organisation.

Records pertaining to the Working With Children Check outcome and the Prohibited Persons Declaration are not to be attached to personnel files of relevant employees.

6.3 Access to Records

Access to any child protection records is to be controlled and limited to a strict need to know basis and must be compliant with the law.

For Risk of Harm Reports no person other than the staff member who made the report and the Human Resources Manager are to have access to the record of the report. The exception to this is if the record of a report on an individual child is requested in writing by the NSW Department of Community Services under the provisions of section 248 of the NSW Children and Young Persons (Care and Protection) Act 1998. In this event the Human Resources Manager has the delegation to provide such information to the Department of Community Services and must inform the Director that such a request has been received.

Records pertaining to an allegation or conviction of child abuse made against an employee are only to be accessed by those with direct involvement in managing or conducting the particular investigation and response to the allegation. Material pertaining to the investigation may be provided to the NSW Ombudsman if requested in writing by the Ombudsman as part of the Ombudsman's role in monitoring investigations into allegations or convictions of child abuse.

Records of the Working With Children Check and the Prohibited Persons Declaration are to be accessed by the Human Resources Manager and the Director only.

Where a request for information from child protection records is received under Freedom of Information Act refer to the NSW Ombudsman document "Responding to Allegations of Child Abuse Made Against Employees" for more information. Where information is requested which pertains to an allegation of child abuse or

misconduct which may involve child abuse the Human Resources Manager must ensure before providing access to information that such provision will not be in breach of the Protected Disclosures Act 1994.

6.4 Disposal of Records

Records pertaining to Reports of Risk of Harm are to be maintained for a [period of five years from the date of the report](#). After this time these may be destroyed in accordance with the general policy on disposal of confidential materials.

Records pertaining to the Working With Children Check screening, and Prohibited Persons Declarations are to be kept [for a period of five years](#) after cessation of the relevant employee's employment, where there is no adverse finding. After this time these may be destroyed in accordance with the general policy on disposal of confidential materials. Records pertaining to the Working With Children Check screening, and Prohibited Persons Declarations where there are adverse findings are to be kept permanently.

Records pertaining to allegations or convictions of child abuse made against employees and any subsequent completed disciplinary proceedings are to be permanently maintained in accordance with general policy on maintaining records of disciplinary proceedings.

7.0 APPENDICES

7.1 Introduction to the Appendices

The Appendices should be read in conjunction with the procedures. The Appendices:

1. outline definitions and concepts – thereby providing greater clarity on the obligations of employees (both paid and unpaid); and
2. provide the necessary notification/reporting forms

As with the main body of the procedures, the Appendices are organised in three broad categories as follows:

7.2 Reporting Risk of Harm

7.3 Recruiting and Screening Employees (both Paid and Unpaid); and

7.4 Responding to Allegations or Convictions of Child Abuse Against Employees

Section 7.5 provides the contact details of relevant external organisations.

PLEASE NOTE: The legal context determines the exact definition of some terms in these procedures. Managers should note the variations in definitions relevant to reporting risk of harm as against dealing with abuse allegations against staff.

7.2 REPORTING RISK OF HARM – Definitions and Concepts

7.2.1 Child or Young Person at Risk of Harm

Risk of Harm is defined under section 23 of the NSW *Children and Young Persons (Care and Protection) Act 1998*.

According to the Act, a child (aged under 16) or young person (aged 16 or 17) is at risk of harm if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence of one or more of the following circumstances:

- a) The child 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 care givers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- c) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- d) 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;
- e) A parent or 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

The following information is provided to support the definition of child abuse and neglect:

- *Types of Child Abuse and Neglect* - section 7.2.8.
- *Indicators of Child Abuse and Neglect* – section 7.2.9

Current Concerns

Current concern is not defined in the Act but should be understood in its ordinary meaning. Current concerns means that at the time of making a report, a staff member is worried about the safety, welfare or wellbeing of a child or young person. Current concerns may also arise where a staff member becomes aware that a child has current contact with an alleged abuser. This is particularly applicable where staff become aware that an alleged sex offender has contact with other children and young people through their employment or community activities (eg. coaching children's sport team) etc.

Current concerns may also exist for a child or young person where abuse has happened in the past, and the child or young person may be at risk because of their current reaction to the abuse or the way these issues are being managed in the family.

In summary current concerns may exist where there is:

- Current abuse or neglect suspected
- Current contact between a child and an alleged sex offender
- Current problems dealing with past abuse or neglect

7.2.2 Reasonable Grounds

Under the law a report of risk of harm may be made where the person forms reasonable grounds to suspect risk of harm to a child or young person. Reasonable grounds are those grounds that would lead a 'reasonable person' to suspect the child is at risk of harm. The law does not expect people to be hyper-vigilant and over-zealous, nor is it acceptable to ignore clear signs of risk to children. Neither over-zealousness nor ignoring clear signs are in the best interests of children.

As a guide, reasonable grounds to suspect risk of harm may be formed by either:

- a disclosure by the child or another person that the child is being harmed or is likely to be harmed (ie. abused or neglected), or
- by witnessing an incident of a child being harmed or
- by observation of indicators of abuse and neglect or
- a combination of the above.

Information does not have to be first hand to be applicable. For example if a child's relative or friend describes a disclosure of physical or sexual abuse, disclosed to them by the child, then this is reportable.

Forming reasonable grounds to suspect risk of harm based upon behavioural indicators in the child requires judgement based upon knowledge of indicators of abuse and neglect and some understanding of child development. A full list of indicators is attached in the Appendix. Some indicators are sufficient as single indicators to give grounds to suspect risk of harm (eg. sexually transmitted disease in a child) whilst others may indicate a range of disturbances in a child's life (eg. withdrawn behaviour may relate to risk of harm or to a death of a loved one or some other crisis) and would need to be observed in conjunction with other indicators to give reasonable grounds to suspect risk of harm.

Staff should discuss such concerns with the Human Resources Manager who may suggest seeking specialist advice (eg. from a Caseworker at the Department of Community Services Helpline) to clarify if there are reasonable grounds to suspect risk of harm or not.

7.2.3 Report of Risk of Harm

A Report of Risk of Harm is:

- information given verbally or in writing to the NSW Department of Community Services (DoCS) relating to a current concern formed on reasonable grounds about the risk of harm to a child or young person or a class of children or young people
- made by phoning the DoCS Helpline. It operates 24 hours /day, 7 days/week.

7.2.4 Class of Children or Young People

Where there are reasonable grounds to suspect risk of harm to a class of children or young persons, a report may be made to the DoCS Helpline (by following procedures in this policy document). A 'class of children or young persons' refers to more than one child or more than one young person. A 'class' of children or young persons may include for example the group of children and young people using a particular service. For example if a child disclosed sexual abuse by a teacher a report in relation to all the children in the class or team may be made as they are all in contact with the alleged abuser.

7.2.5 Mandatory Reporting of Children (under 16) at Risk of Harm

Under section 27 of the NSW *Children and Young Persons (Care and Protection) Act 1998*, various occupational groups are specified as mandatory reporters of risk of harm to children.

Any person who in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children is required by law to report where they suspect on reasonable grounds, that a child (aged under 16) is at risk of harm. In addition, any person who is in a management position with direct responsibility for or direct supervision of the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children is also required by law to report where they suspect on reasonable grounds, that a child (aged under 16) is at risk of harm.

It is not mandatory to report young people aged 16 or 17 years in relation to risk of harm although it is encouraged and may be particularly important for young people who have increased vulnerability due to disability or chronic health needs.

The following staff of the Art Gallery of NSW are mandatory reporters (that is those in paid positions that provide education or children's services wholly or partly to children):

- Head, Public Programmes
- Public Programmes Co-ordinators
- Casual Teacher Lecturers
- Contractors (Performers and Children's Workshop Presenters)

Mandatory reporters including these staff are not required to report risk of harm to children that they become aware of outside the course of their work or

professional life.

Staff should be aware however that they may choose to report concerns arising in the personal domain as a concerned citizen, as any person in the community can do.

Any persons who in good faith, report risk of harm to children are afforded certain protection under the law, even if their concern is later found to be unsubstantiated by child protection authorities. See below - Legal Protection for Persons Reporting Risk of Harm to Children.

Mandatory reporters including these staff who fail to comply with mandatory reporting requirements are guilty of an offence under the law, with a current maximum penalty of 200 penalty units (currently equivalent to \$22,000 fine). Mandatory reporters are responsible as individuals for meeting this requirement.

7.2.6 Homelessness of Children and Young People

Under section 120 of the *NSW Children and Young Persons (Care and Protection) Act 1998* any person may report the homelessness of a child to the NSW Department of Community Services. Any person may report the homelessness of a young person aged 16 or 17 years, but only with the prior consent of the young person as specified under section 121 of the *NSW Children and Young Persons (Care and Protection) Act 1998*.

Art Gallery of NSW staff are not required by law to report homelessness of children and young people but may choose to do so as private citizens.

7.2.7 Legal Protection for Persons Reporting Risk of Harm

Under section 29 of the *NSW Children and Young Persons (Care and Protection) Act 1998* any person who in good faith, reports suspected risk of harm to a child or young person is afforded certain protections under the law.

If a report is made in good faith, or information is furnished to the Department of Community Services in relation to the safety, welfare and wellbeing of a child or young person, or class of children or young persons, the reporting or provision of information:

- a) does not constitute a breach of professional etiquette or ethics or a departure from acceptable standards of professional conduct;
- b) does not constitute grounds for liability for defamation;
- c) does not constitute grounds for civil proceedings for malicious prosecution or conspiracy;
- d) cannot be admitted in evidence against a person in any court proceedings.

These protections apply as long as the report was made in good faith, even if after investigation and assessment by the Department of Community Services (DoCS) it is found that there was no risk of harm to the child or young person. A person cannot be compelled in any proceedings to produce a report or a copy of

or extract from a report, or to disclose or give evidence of any of its contents. The identity of a person who made a report cannot be disclosed (eg. to the family) by DoCS except in specified legal circumstances.

7.2.8 Types of Child Abuse and Neglect

Physical abuse

Non-accidental injury and/or harm to a child or young person by a parent, caregiver or another person responsible for the child.

It includes harm or injuries which are caused by excessive discipline; severe beatings or shakings; bruising; lacerations or welts; burns; fractures or dislocation; female genital mutilation; attempted suffocation or strangulation; and death. Child physical abuse may constitute a criminal assault.

Emotional abuse

A range of behaviours that may psychologically harm a child or young person. It is behaviour by a parent/caregiver or older child that can destroy the confidence of a child, resulting in emotional deprivation or trauma. It involves impairment of a child's or young person's social, emotional, cognitive, intellectual development and/or disturbance of a child's or a young person's behaviour.

Neglect

Where there is risk of harm or actual harm to a child or young person caused by the failure to provide the basic physical and emotional necessities of life. Neglect is characterised as a continuum of omissions in the care of a child or young person.

Child sexual abuse

Any sexual act or sexual threat imposed on a child or young person. Adults or adolescents or older children who sexually abuse children or young people exploit their dependency and immaturity. Coercion, that may be physical or psychological, is intrinsic to child sexual abuse and differentiates child sexual abuse from consensual peer sexual activity.

Domestic violence

Violence, abuse and intimidatory behaviour perpetrated by one person against another in a personal, intimate relationship. It occurs between two people where one has power over the other causing fear, physical and / or psychological harm.

Domestic violence can have a profound effect on children and young people and can constitute a form of child abuse. Children and young people can be affected by being in the presence of, or by being exposed to violence in the parental relationship, by becoming the victims of violence or a combination of both.

7.2.9 Indicators of Abuse and Neglect

One indicator in isolation may not imply abuse or neglect. Each indicator needs to be considered in the context of other indicators and the child's circumstances.

Setting the context

The following contextual factors in the life circumstances of the child are relevant when considering indicators of abuse and neglect:

- History of previous harm to the child
- Social or geographic isolation of the child or family, including lack of access to extended family
- Abuse or neglect of a sibling
- Family history of violence including injury to children Domestic violence
- Physical or mental health issues for the parent or caregiver affecting their ability to care for the child
- The parent or caregiver's abuse of alcohol or other drugs affecting their ability to care for the child
- A developmental disability of the parent or caregiver affecting their ability to care for the child
- Parent or caregiver is experiencing significant problems in managing the child's behaviour
- The parent or caregiver has unrealistic expectations of age appropriate behaviour in the child.

Some indicators of abuse or neglect

- Where the child tells you she/he has been abused
- When the child tells you she/he knows someone who has been abused, may be referring to herself/himself
- Someone else tells you such as relative, friend, acquaintance or sibling of the child that the child may have been abused.
- Where the child gives some indication that the injury or event did not occur as states

Indicators of neglect

Indicators in children

- Poor standards of hygiene leading to social isolation
- Scavenging or stealing food
- Extended stays at public places (e.g. this organisation), schools
- Being focussed on basic survival
- Extreme longing for adult affection
- A flat and superficial way of relating, lacking of a sense of genuine interaction
- Anxiety about being dropped or abandoned
- Self comforting behaviour, e.g. rocking, sucking

- Non-organic failure to thrive
- Delay in developmental milestones
- Loss of 'skin bloom'
- Poor hair texture
- Untreated physical problems.

Indicators in parents or caregivers

- Failure to provide adequate food, shelter, clothing, medical attention, hygienic home conditions or leaving the child inappropriately without supervision
- Inability to respond emotionally to a child
- Child abandoned
- Depriving of or withholding physical contact or stimulation for prolonged periods
- Failure to provide psychological nurturing
- One child treated differently.

Indicators of physical abuse

Indicators in children

- Facial , head and neck bruising
- Lacerations and welts from excessive discipline or physical restraint
- Explanation offered by the child is not consistent with the injury
- Other bruising and marks which may show the shape of the object that caused it, eg. a hand-print, buckle
- Bite marks and scratches where the bruise may show a print of teeth and experts can determine whether or not it is an adult bite
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or other harmful drugs
- Ruptured internal organs without a history of major trauma
- Dislocations, sprains, twisting
- Fractures of bones, especially in children under 3 years

Burns and scalds

- Head injuries where the child may have indicators of drowsiness, vomiting, fits or retinal haemorrhages suggesting the possibility of the child having been shaken
- General indicators of female genital mutilation which could include:
 - having a special operation associated with celebrations
 - reluctance to be involved in sport or other physical activity when previously interested
 - difficulties with toileting.

Indicators in parents or caregivers

- Domestic violence
- Direct admissions by parents or caregivers that they fear they may injure the child
- Family history of violence, including previous harm to children

- History of their own maltreatment as a child
- Repeated presentations of the child to health or other services with injuries, ingestions or with minor complaints.

Indicators of emotional abuse

Indicators in children

- Feelings of worthlessness about life and themselves
 - Inability to value others
 - Lack of trust in people and expectations
 - Lack of inter-personal skills necessary for adequate functioning
 - Extreme attention seeking behaviour
 - Other behavioural disorders, e.g. disruptiveness, aggressiveness, bullying.
- Children sustain emotional harm from all the types of abuse.

Indicators in parents or caregivers

- Constant criticism, belittling, teasing of a child, or ignoring or withholding praise and affection
- Excessive or unreasonable demands
- Persistent hostility and severe verbal abuse, rejection and scapegoating
- Belief that a particular child is bad or 'evil'
- Using inappropriate physical or social isolation as punishment
- Situations where an adult's behaviour harms a child's well being
- Exposure to domestic violence.

Indicators of sexual abuse

Indicators in children

- Describe sexual acts, eg. 'Daddy hurts my wee-wee'
- Direct or indirect disclosures
- Age inappropriate behaviour and / or persistent sexual behaviour
- Self-destructive behaviour, drug dependency, suicide attempts, self-mutilation
- Persistent running away from home
- Anorexia, over-eating
- Going to bed fully clothed
- Regression in developmental achievements in younger children
- Child being in contact with a known or suspected perpetrator of sexual assault
- Unexplained accumulation of money and gifts
- Bleeding from the vagina or external genitalia or anus
- Injuries such as tears or bruising to the genitalia, anus or perineal region
- Sexually transmitted diseases
- Adolescent pregnancy
- Trauma to the breasts, buttocks, lower abdomen or thighs.

General indicators of child stress should be considered such as:

- poor concentration at school
- sleeping / bedtime problems, e.g. nightmares, bed wetting

- marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal
- child complains of stomach aches and headaches with no physical findings.

Indicators in parents, caregivers, siblings, relatives, acquaintances or strangers

- Exposing the child to prostitution or child pornography or using a child for pornographic purposes
- Intentional exposure of child to sexual behaviour of others
- Ever committed / been suspected of child sexual abuse
- Inappropriate curtailing or jealousy regarding age-appropriate development of independence from the family
- Coercing child to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Denial of adolescent's pregnancy by family
- Perpetration of spouse abuse or child physical abuse.

Offenders use a range of tactics including force, threats, and tricks to engage children in sexual contact and to try to silence the child. They may also try to gain the trust and friendship of parents in order to obtain access to children.

(Adapted from NSW *Interagency Guidelines for Child Protection Intervention*)

7.2.10 Guidelines - Responding to a Child's Disclosure of Abuse or Neglect

Staff may find themselves in a range of situations where a child may disclose information about being abused or neglected. A young child may blurt something out in the context of a discussion, story or activity. An older child may seek out an adult who they perceive will be helpful and they may approach a staff member for this reason. In an emergency situation a child may simply approach any available adult.

Although this is not a common experience for staff, any adult working in contact with children should have basic knowledge about the most appropriate way to respond to a child's disclosure.

The following are the key points to remember if a child discloses information about being abused or neglected.

- Listen to the child attentively
- Do not ask probing questions
- Use a calm reassuring tone and talk at the child's level
- Believe the child
- Don't make promises you cannot keep (such as saying they will not have to go home or the police will fix it)
- Avoid expressing doubt, judgment or shock.

Convey the following messages to the child:

- it is not their fault, it is never the child's fault
- it was right to tell

- other children have been in this situation,
- they are not alone
- it is not OK for adults to harm children – no matter what.

Tell the child you will need to talk to other people whose job is to help children be safe. If the situation allows ask the child what they want to do while you ring up to get some help started for them.

Do not alert the alleged abuser about the disclosure.

Report the information immediately to the Human Resource Manager who will promptly make a report to the Department of Community Services Helpline.

Write down what the child told you as soon as you can (when you are away from the child), using the child's own words.

7.2.11 Child at Risk of Harm Reporting Form

1. Name of staff raising the concern:

2. Agency name, location and phone:

3. Name or description of child:

4. Age or estimated age of child:

5. Child's home address (if known):

If address not known provide any information that will allow the child to be located:

6. School/preschool child attends (if known):

7. Family structure and names (if known):

9. Grounds for current concern that the child is at risk of harm:

Refer to definition of risk of harm in Child Protection Policy.

Record any relevant incidents witnessed, information disclosed (write their words if possible) and/or any indicators of abuse or neglect observed which have given rise to the concern.

Signed: _____ **Date and**

Time: _____

(staff member raising concern)

10. Internally reported to: _____
date and time: _____
11. Reported to DoCS Helpline by _____
date and time: _____
12. Name of DoCS Helpline
Caseworker: _____
13. DoCS Helpline call reference
number: _____
14. Any advice given by DoCS Caseworker re what to do:

15. Later feedback provided by DoCS regarding action on the report:

Appendix 7.3 - Recruitment and Screening

7.3 RECRUITMENT & SCREENING EMPLOYEES (PAID OR UNPAID) - Definitions and Concepts

7.3.1 Child-related employment

The definition of child –related employment differs slightly between the *Child Protection (Prohibited Employment) Act* and the *Commission for Children and Young People Act*.

Under the ***Child Protection (Prohibited Employment) Act*** child –related employment means any employment where at least one of the essential duties of the position involves direct contact with children (aged under 18) where that contact is not directly supervised (based upon section 3 of the legislation and a later Industrial Relations Commission ruling). It specifies that child-related employment is paid or unpaid employment:

- Involving the provision of child protection services
- In pre-schools, kindergartens and child care centres
- In schools or other educational institutions (not universities)
- In juvenile detention centres
- In refuges used by children (aged under 18).
- In wards of public or private hospitals where children are patients
- In clubs, associations or movements (including of a cultural, recreational or sporting nature) having significant child (aged under 18) membership
- In any religious organisation
- In any entertainment venue where the clientele is primarily children (aged under 18).
- As a babysitter or childminder that is arranged by a commercial agency
- Involving fostering or other child care
- Involving direct provision of health services
- Involving the provision of counselling or other support services for children
- On school buses
- At overnight camps for children (aged under 18).

The child-related employment positions within the Art Gallery of NSW for which a prohibited person must not apply, undertake or remain in, are listed in the appendix. These are positions for which Prohibited Persons Declaration is mandatory.

Under section 33 of the ***Commission for Children and Young People Act*** child-related employment means any employment that involves direct contact with children (aged under 18) where that contact is not directly supervised.

All organisations are required to identify child-related employment positions within their organisation and to implement Working With Children Check screening of current position holders and preferred applicants for these positions.

The child-related employment positions within the Art Gallery of NSW, which require screening for preferred applicants, are listed in the appendix.

7.3.2 Employee

Any person who is engaged in child-related employment in any of the following capacities in any of the following ways:

- Paid employment
- Sub-contractors
- Work under contract
- Volunteers
- Ministers of religion
- Members of religious organisations or
- Undertaking training as part of an educational or vocational course

7.3.3 Prohibited Person

A person convicted of a serious sex offence, other than that where there is an order in force declaring that the Child Protection (Prohibited Employment) Act 1998 does not apply to the person in respect of the offence (refer Child Protection (Prohibited Employment) Act 1998 section 5 (1)(2)). Refer to the Working With Children Check Guidelines for Employers (page 2 and Attachment 4 Prohibited Employment Declaration Form) in the appendix for a list of serious sex offences.

7.3.4 Screening

The process of gathering relevant information about an applicant for employment by an organisation in order to enable an informed decision to be made on whether to employ the applicant or not. Screening includes structured referee checks, criminal history checks, checks of certain enforceable apprehended violence orders, and checks with past or current employers for any completed disciplinary records. The Working With Children Check conducted for all preferred applicants for child-related employment positions covers some of these screening requirements and the remainder are conducted by the Art Gallery of NSW.

7.3.5 Working With Children Check

The Working With Children Check is a formal process of checks conducted by an

approved screening agency to help determine someone's suitability to work with children (aged under 18) or to have unsupervised access to children in their work. It includes:

- a national criminal record check (serious sex offence),
- a check of relevant Apprehended Violence Orders (an AVO taken out for the protection of a child) and
- a check of completed relevant disciplinary proceedings (involving child abuse, sexual misconduct or acts of violence in the course of employment which involved or were directed at children or took place in the presence of children).

The Working With Children Check for positions in the Art Gallery of NSW is conducted by the Department of Education and Training Screening Unit, upon official request from the Art Gallery of NSW.

The Working With Children Check is required for preferred applicants for child-related employment positions.

7.3.6 Code of Conduct for Child Protection in the Workplace

Why is it important to adopt Code of Conduct for Child Protection in the Workplace?

All staff can contribute to the safety welfare and well-being of children by adopting work practices which respect children's right to safety, protection and personal space and which demonstrate responsible and respectful adult behaviour towards children.

Such conduct is important for two key reasons:

1. All staff in contact with children in the workplace are accountable for their own behaviour with children
2. Respectful behaviour towards children by any adults can assist those children in differentiating respectful behaviour from abusive behaviour and this is very important for prevention of or early intervention in child abuse.

What must staff do/not do in contact with children in the workplace?

The following is a list of expectations of all staff in contact with children in the work place:

- As a general guide avoid physical contact with children in the workplace unless there is a legitimate reason for such contact for the child's own safety and welfare (eg. administering first aid, removing a child from impending danger, holding the hand of a lost distressed toddler, comforting a highly distressed child in a disaster situation, supporting the arm of a child with a disability so they can touch an interactive display). Physical contact for the child's safety and welfare should only be to the extent required for the child's safety or welfare and no more.
- Staff may use non-invasive physical greetings commonly accepted in the community if this is initiated by the child (eg. shake hands, high five with hands). Young children or children with an intellectual disability may attempt to initiate

more intimate greetings such as hugging but staff are to sensitively discourage this by comments such as "we don't know each other very well, how about we shake hands".

- Never use physical force or restraint on a child unless this is necessary for the child's immediate safety or to prevent immediate serious harm or is necessary in defence of your own immediate physical safety. In such emergencies physical force or restraint should only be to the extent necessary to prevent serious harm from occurring. If staff are confronted with a situation of an older child threatening to harm others or wielding a weapon staff are advised to seek immediate assistance (from security or Police) rather than attempt to disarm the child.

- Never use corporal punishment of any kind as a method of discipline or behaviour management with any child.

- Avoid being alone with a child in any location that is not in visual contact by another adult unless there is a legitimate reason for doing so for the child's own safety and welfare. First aid should be administered in the presence of another adult (preferably one known to the child) unless it is an emergency and the delay in getting another adult would jeopardise the child's safety.

Staff should not be alone with a child in a room with the door closed unless that room has a glass wall allowing visual contact by another adult.

- Never remove an item of clothing from a child's body unless this is necessary for the child's immediate safety to prevent serious harm (eg. to administer emergency first aid). The only exception to this is to assist young children in removing or replacing their shoes where they cannot do this for themselves and this is necessary to engage in an interactive activity program.

- In the presence of colleagues or consumers/customers including children avoid swearing and any language that is derogatory towards others (eg. language such as "rotten little shit" or "cheeky brat" or "slut" is not acceptable in the workplace)

What should staff do to contribute to the protection of children in the workplace?

Staff are required to contribute to the protection of children in the workplace by reporting inappropriate behaviour, misconduct and criminal activity involving children.

- Any staff member who becomes aware of an allegation or conviction of child abuse in the workplace against an employee (paid or unpaid) must promptly report this to the Human Resource Manager.

- Any staff member who witnesses or gets information about the misconduct of an employee (paid or unpaid) that may involve child abuse must promptly report this to the Human Resources Manager.

- Any staff member who becomes aware that an employee (paid or unpaid) has behaved towards a child or children in ways that contravenes requirements in Code of Conduct for Child Protection in the Workplace must promptly raise this with the Human Resources Manager.

- Staff members who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act* must report their current concerns for the safety welfare and well-being of a child if they suspect upon reasonable grounds that the child is at risk of harm. Such concerns are to be raised promptly with the Human Resources Manager who will make the report to the NSW Department of Community Services.

- If a staff member in a child-related employment position believes s/he is or may be a Prohibited Person (ie. has a conviction for a serious sex offence) s/he must immediately inform the Director. It is an offence for Prohibited Persons to apply for, commence or remain in child-related employment.

- Any staff member who becomes aware that an employee (paid or unpaid) is a Prohibited Person (ie. has a conviction for a serious sex offence) must immediately inform the Human Resources Manager.

7.3.7 Employee (paid) Declaration to Comply with Child Protection Policy & Procedures

(Complete unless otherwise covered)

Name of paid employee:

Position:

Child-related employment position: YES NO

Work Location:

Employees in Non-Child-Related Employment Positions:

	Yes	No
I have been given a copy and have read the <i>Child Protection Policy</i>. I understand what is required of me under the <i>Child Protection Policy</i>.		
I am aware that <i>Child Protection Procedures</i> also exist and I have been informed about where the Procedures are located.		

Employees in Identified Child-Related Employment Positions:

	Yes	No
I have been given a copy and have read the <i>Child Protection Policy</i>.		

I have been given access to a copy and have read the <i>Child Protection Procedures</i> .*		
I understand what is required of me under the <i>Child Protection Policy</i> and <i>Child Protection Procedures</i> and agree to conduct my duties in accordance with the <i>Child Protection Policy</i> and <i>Child Protection Procedures</i> .		

Signed: _____ Date: _____

Witness to signature: _____ Date: _____

* Please note that *Mandatory Reporters* and *Management Representatives* should be given their own copy of the Procedures.

7.3.8 Employee (unpaid) Declaration to Comply With Child Protection Policy & Procedures

Name of unpaid employee:

Position:

Child-related employment position: YES NO

Work Location:

-

Unpaid Employees in Child-Related Employment Positions:

	Yes	No
I have been given a copy and have read the <i>Child Protection Policy</i> . I understand what is required of me under the <i>Child Protection Policy</i> and agree to conduct my duties in accordance with the <i>Child Protection Policy</i> .		
I am aware that <i>Child Protection Procedures</i> also exist and I have been informed about the general content of the Procedures and where they are located, if I need them.		

Signed: _____ Date: _____

Witness to signature: _____ **Date:** _____

7.4 RESPONDING TO ALLEGATIONS OR CONVICTIONS OF CHILD ABUSE AGAINST EMPLOYEES (PAID OR UNPAID) – Definitions and Concepts

7.4.1 Employee

For the purposes of responding to allegations or convictions of child abuse against employees (which must be notified to the NSW Ombudsman) the definition of employee in the *Ombudsman Amendment (Child Protection and Community Services) Act 1998* applies.

In section 25(1) employee means any employees of the agency whether or not employed in connection with any work or activities of the agency that relates to children and any individual engaged by the agency to provide services to children (aged under 18) including in a voluntary capacity.

In the Art Gallery of NSW this includes all the following:

- Paid staff
- Contractors
- Sub-contractors
- Volunteers
- Work experience participants
- Students on placement eg. TAFE or tertiary students

Where an allegation or conviction of child abuse against any of these employees becomes known, the Child Protection Policy procedures for Responding to Allegations or Convictions of Child Abuse Against Employees (Paid or Unpaid) must be followed.

7.4.2 Child Abuse

For the purposes of responding to allegations or convictions of child abuse against employees (which must be notified to the NSW Ombudsman) the definition of child abuse in the *Ombudsman Amendment (Child Protection and Community Services) Act 1998* applies.

Under section 25A child abuse means:

- Assault (including sexual assault) of a child (aged under 18), or
- Ill treatment or neglect of a child, or
- Exposing or subjecting a child (aged under 18) to behaviour that psychologically harms the child, whether or not, in any case, with the consent of the child.

Staff in management positions who are required by the Child Protection Policy to act upon allegations or convictions of child abuse against employees should refer to the attached document titled NSW Ombudsman Child Protection: Responding

to Allegations of Child Abuse Against Employees for more detail on the definition of child abuse for this purpose.

7.4.3 Allegation of child abuse

For the purposes of responding to allegations or convictions of child abuse against employees the definition of an allegation of child abuse in the *Ombudsman Amendment (Child Protection and Community Services) Act 1998* applies.

Under section 25A allegation of child abuse means an allegation of child abuse against a person OR an allegation of misconduct that may involve child abuse. The legislation does not define "allegation" so the ordinary meaning that is "an assertion with or without proof, or a declaration" is to be applied. An allegation may be made to the agency in writing or orally and can be made anonymously.

Any allegations of child abuse alleged to have occurred in the course of the person's employment for the Art Gallery of NSW (because the agency is a public authority), must be notified in writing to the NSW Ombudsman by the appropriate manager in accordance with the Child Protection Policy.

Staff in management positions who are required by the Child Protection Policy to act upon allegations or convictions of child abuse against employees should refer to the attached document titled NSW Ombudsman Child Protection: Responding to Allegations of Child Abuse Against Employees for more detail.

7.4.4 Conviction for child abuse

For the purposes of responding to allegations or convictions of child abuse against employees (which must be notified to the NSW Ombudsman) the definition of conviction for child abuse in the *Ombudsman Amendment (Child Protection and Community Services) Act 1998* applies.

Under section 25A, child abuse conviction means any conviction of a person, in this State or elsewhere, of an offence involving child abuse and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction. In NSW there are a range of offences that may involve child abuse in the Crimes Act and in the Children and Young Persons (Care and Protection) Act.

Any conviction for child abuse alleged to have occurred in the course of the person's employment for the Art Gallery of NSW (because the agency is a public authority), must be notified in writing to the NSW Ombudsman by the appropriate manager in accordance with the Child Protection Policy.

Staff in management positions who are required by the Child Protection Policy to act upon allegations or convictions of child abuse against employees should refer to the attached document titled NSW Ombudsman Child Protection: Responding to Allegations of Child Abuse Against Employees for more detail.

7.4.5 Allegation or Conviction of Child Abuse Against an Employee (paid or unpaid) Internal Reporting Form

1. Name of staff providing information:

2. Agency name, location and phone:

3. Internally reported to: _____ **Date & time:** _____

4. Nature of the allegation: (circle)

- i) Allegation of child abuse against paid employee
- j) Allegation of child abuse against unpaid employee
- k) Paid employee allegedly has conviction for child abuse
- l) Unpaid employee allegedly has conviction for child abuse
- m) Alleged misconduct by a paid employee that may involve child abuse
- n) Alleged misconduct by an unpaid employee that may involve child abuse
- o) Paid employee is allegedly a Prohibited Person
- p) Unpaid employee is allegedly a Prohibited Person

5. Details of allegation against employee:

- Name of employee against whom allegation is made: _____
- Employee Position: Child-related employment YES NO
- Employee location:

Information regarding the allegation:

6. Head of Agency Informed (of Allegation & obligation to notify NSW Ombudsman within 30 days) by _____ **Date & Time:**

7. Required Action:

Signed: _____ **Date & Time:** _____

7.4.6 REPORTING TO THE NSW OMBUDSMAN - NOTIFICATION FORM

Part 1: Details of agency

1.1 Name of agency: _____ Your case/ref: _____

1.2 Type of agency:

- Designated government agency OR
- Designated non-government agency
- Public authority (other than a designated government agency)
- Non-government school
- Child care centre
- Substitute residential care service

1.3 Nature of service provided by your agency: _____

1.4 Does your agency have a policy or procedures specifically relating to allegations of child abuse made against employees or members of staff? Yes / No

If the agency has not already supplied the Ombudsman with a copy of the most current policies or procedures, please attach.

1.5 Total number paid employees (include part-time/casual): _____

1.6 Percentage in child-related employment: _____

1.7 Head of agency: _____

1.8 Position title: _____

1.9 Address: _____

1.10 Telephone: _____ 1.11 Fax: _____

1.12 E-mail: _____

Signature: _____ Date: _____

If another officer of the agency is preferred as the contact for any further inquiries from the Ombudsman in relation to this notification, please provide their details below. Unless other arrangements have been made, formal correspondence from the Ombudsman will be addressed to the nominated head of agency.

1.13 Contact officer name: _____

1.14 Position title: _____

1.15 Address: _____

1.16 Telephone: _____ 1.17 Fax: _____

1.18 E-mail: _____

Please identify the person in your agency who is responsible for investigating the allegation(s) or who is responsible for liaison with any other agency that may be investigating the allegation(s):

1.19 Investigating officer: _____

1.20 Position title: _____

1.21 Address: _____

1.22 Does this notification relate to any other notifications you have made to the Ombudsman?

If yes, provide the Ombudsman reference number(s) or other identifying details:

Appendix 7.5 – Key Child Protection Contacts

7.5 KEY CHILD PROTECTION CONTACTS

NSW Department of Community Services

Department of Community Services (DoCS) Helpline (24 hours)

General public – 132 111

Mandatory Reporters line – 13 36 27

DoCS Community Service Centres across NSW (listed in the white pages telephone directory)

NSW Commission for Children and Young People

Level 2, 407 Elizabeth Street, Surry Hills NSW 2010

Telephone (02) 9286 7276

Facsimile (02) 9286 7267

Net: www.kids.nsw.gov.au

NSW Ombudsman

Level 24, 580 George Street Sydney NSW 2000

Telephone (02) 9286 1000

Toll free: 1800 451 524

Facsimile (02) 9283 2911