



2021

# Annual Report

WITH DATA FROM THE 2020 SCHOOL YEAR



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# 1. MESSAGES from the KEY SCHOOL BODIES

## 1.1 Chair of the Board of Directors

As Chairperson of Rainbow Ridge school, I would like to thank the whole school for their contributions in 2020. With the advent of Covid-19 the schooling year was disrupted and plans needed changing. We all felt the impact of the virus in those first few months. There was much fear and confusion. It was through the professionalism and patience of our staff that the children were able to manage this difficult time so smoothly. I would also like to acknowledge the work and love offered in this time by our parent community.

The Board of Directors of Rainbow Ridge School used this time to support the administration and to review our management processes. Supporting Marga our principal in deciphering sometimes conflicting information from different governmental sources. I would also like to acknowledge Lishia O'Reilly as our newest Board of Director's member.

At all levels of the school, we have had to get used to this new normal of uncertainty. Delivery of education has changed, and we all miss our regular seasonal celebrations. I am very much looking forward to resuming our regular rhythm.

As a school we have handled 2020 very well financially and emotionally. Our current enrolments are high and we continue to have enrolment enquiries. 2020 saw a substantial profit taken. It is a part for all of us to consider our strategic plan going forward and where to invest for the future of our school. I would also like to celebrate the addition of Jacqueline Morrissey to our teaching team.

It is with regret that I have decided to give up my position as a Board of Director's member. Due to a family illness, I will be stepping back for the time being, but I look forward to seeing all of you around the school. I have appreciated my time on Board and as Chairperson very much, learning new skills, meeting wonderful people and putting my heart into the school that I love.

Yours sincerely, Janu Cannings

## 1.2 Treasurer of the Board of Directors

2020 started with the bushfires still raging from the summer of Australia's largest bushfires between us and Victoria, along the Great Dividing Range. By the time we were opening the school, the fires had all ended and the global pandemic of COVID-19 increasing its presence, by the end of March the schools were closed to students. The rest of the 2020 continued to provide much uncertainty for the school with teachers needing to develop at home learning packs for students, then programs to move students back to school without many of the regular family and community events and festivals. I wish to give a massive thanks to Marga and her team of teachers and non-teaching staff for their strong management of the school during these very uncertain and often confusing periods.

I wish to give a special thanks, as always to the Board of Directors who volunteered considerable time and energy to the oversight of the school during 2020: Janu Cannings, Ben Robinson, Bruce Davis and Myfanwy Sterling. A very special thanks to Janu who led the Board through the challenges of the COVID-19 and its impact on the school operations. Thank you!

Even with the considerable uncertainty this year we finished with a better profit than the year before. In 2020 we retained \$180,491 compared to \$22,364 in 2019 and \$54,801 in 2018, which is a more appropriate level. This increase in retained earnings relates to several factors including increases in Commonwealth and state Government recurrent funding and a \$100K COVID-19 government cash boost payment. There were also several areas which

saw significant reductions of expenditure including doubtful debtors, IT and unfortunately for teachers, their professional development, as they were unable to travel. A special thanks to Marga and Laurel for managing the finances through this challenging and constant changing year.

In summary, at the end of 2020 Rainbow Ridge School for Steiner Education is in a very healthy financial position with current assets of \$985,807 and total assets of \$2,653,198, current liabilities of \$356,429 and total liabilities of \$382,606. Total equity for the school is valued at \$2,270,592.

As we look back at 2020, I can be happy with our Schools' great educational outcomes and resilience through the recent disruptions of the 19/20 fire season and the COVID-19 epidemic. In particular, a special thanks to our Principal Marga Helms who has remained in her strong leadership through this time. A thanks also to Laurel Grant for her taking on additional and challenging roles and the close management of our finances.

Looking forward from the end of 2020, the school is in a strong financial position with wishes to continue to expand both in terms of student numbers as well as educational and infrastructure. To achieve these goals, I believe the school should consolidate its achievements, and refine its strategic and master planning processes.

Dr Noah Nielsen, Treasurer

## 1.3 Chair of College of Teachers

The College of teachers comprises of class teachers and the school principal and meets every Monday during term time. The fundamental role of College, whilst comprised of individuals, is to act as a singular 'heart' organ for the school, that aims to guide the school by finding a bridge and a balance between the earthly and the spiritual realms.

Our College meetings are threefold in their nature: some pedagogical study, followed by student welfare and then items for discussion or 'business'. Pedagogical work has been varied and wide ranging over the year and has included study texts to help inform festivals; artistic work to impart colour theory and techniques and methodology; discussion and feedback concerning reporting and assessment; one of the longest running episodes for College has been to formalise and set foundations of the role and function of College: who is on College? What questions are bought or discussed? How information and decisions are dispersed or directed.

Student welfare has been where the majority of College time gets spent. In this time, we share situations and circumstances surrounding the children, to give insight, to ask questions and to seek ways in which we can work to better understand those in our care, to create time or space where educational success can be achieved.

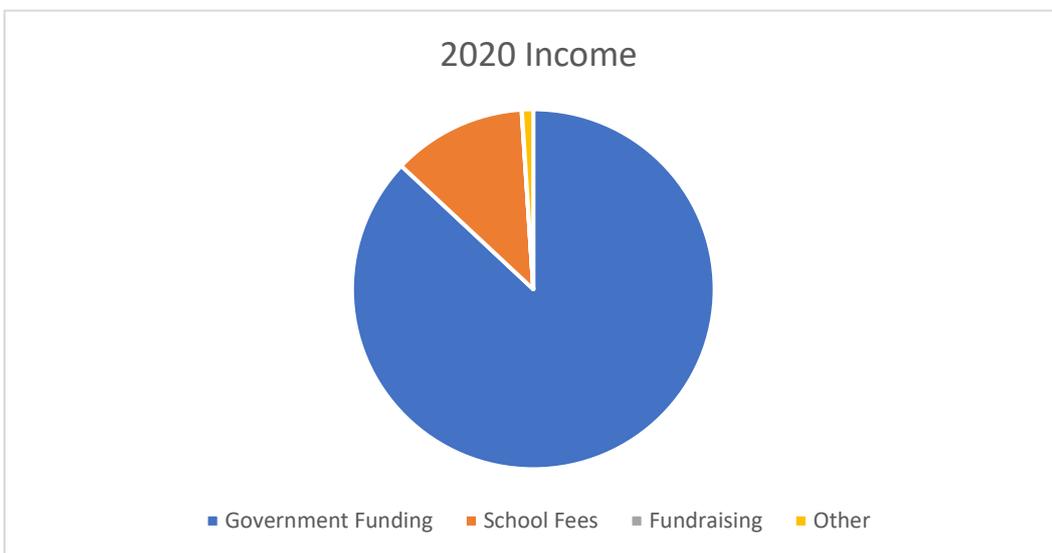
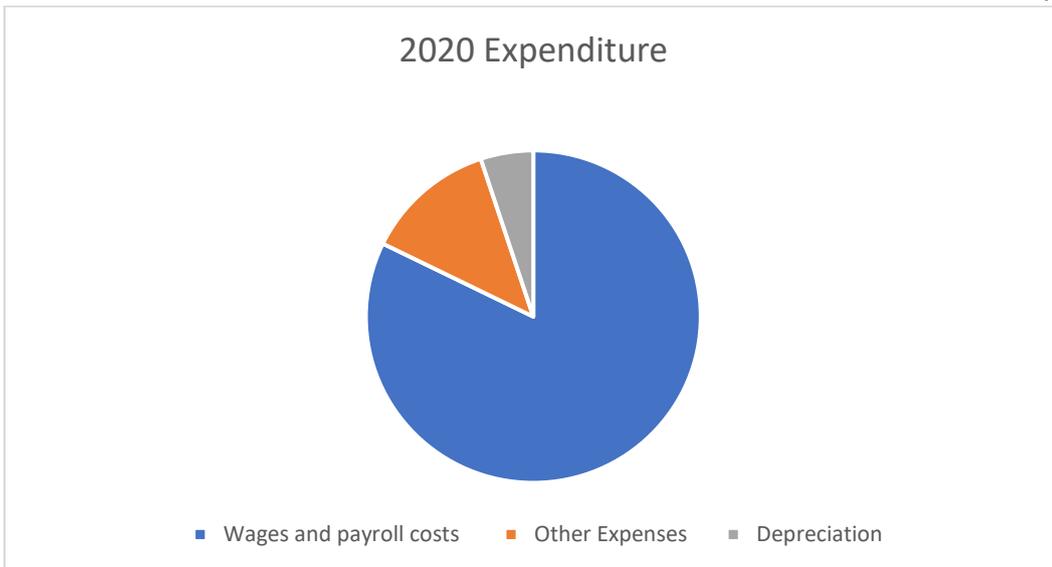
The business element of College is a very diverse part of the meeting. Feedback from courses or Professional Development is given, timing for special events or days are planned, questions from College and non-College members are addressed. We look at the need for or allocation of resources, requests for excursions, NESA requirements including eTAMS, curriculum questions and decisions, new enrolments, exit interviews, the whole gamut of questions and situations that avail themselves to the school.

As with a great number of events and happenings in the last 12 months, College was disrupted by regulations about meetings and time in close contact. This impacted festivals, professional development, meetings with parents, visitors on-site and visits/ excursions off-site. On our return, we sought input to really look at what College was, and what we wanted it to be. Whilst this is still a work in progress, there is a strong body of dedicated staff who are working together to uphold the ideal that the College, is the heart of the school.

With kind regards and best wishes,

Mark Piper, College Chair





## 1.6 Parent group

There was no Parent Group functioning due to COVID-19.

## 2. CONTEXTUAL INFORMATION ABOUT RAINBOW RIDGE SCHOOL

Rainbow Ridge School for Steiner Education is one of approximately 900 Steiner schools in more than fifty countries and was first registered in 1996. It was founded by an enthusiastic parent group with the inspirational backing of Alan and Susan Whitehead.

The School's vision statement reflects our aims:

**We offer a universal education in balance and harmony with the environment, embracing Rudolf Steiner's deep understanding of child development.**

**We inspire life-long learning to meet the changing needs of time.**

**Rainbow Ridge School grew from the good will of the community, parents and teachers to create the beautiful sustainably designed timber buildings blending into the sub-tropical landscape setting.**

### The School's property is bordered by forest at the edge of the Wollumbin caldera.

The School is situated 10 km from Nimbin, 43km from Lismore and 25km from Kyogle, occupying 2.5hectares of bushland at Lillian Rock in Northern NSW. There is a balance of forest, playgrounds and school gardens. Environmental awareness is extended to the buildings, which also includes stand-alone solar power and composting toilets.

The most recent Certificate of Registration for Kindergarten to year 8 was approved in 2019 for the maximum five-year period.

The School is incorporated (not for profit limited by guarantee) with ASIC and ACNC.

In summary, the objectives of the School, as set out in the School vision statement are:

- To provide children with a Steiner Education
- To provide a healthy and inspirational school environment
- To recognise the soul-spiritual foundations in all areas of the school
- To provide the community with insight, clarity and ways of exploring Steiner education and anthroposophy
- To maintain a sustainable independent school
- To facilitate healthy community relationships

The School's College of Teachers, Board of Directors, Executive Committee and the Parent Group endeavour to work together with the students and parents in constructive and co-operative ways to create a positive, fruitful social environment to achieve harmony and to develop everybody's best potential.

This Annual Report to NESA and the school and wider community (via our website) provides reliable and objective information about the 2019 school year.

## 3. CHARACTERISTICS OF THE STUDENT BODY

Faculty	Total students	Female	Male
Kindergarten	12	5	7
Class 1	14	8	6
Class 2	11	5	6
Class 3	9	7	2
Class 4	10	4	6
Class 5	15	8	7
Class 6	8	5	3
Class 7	11	5	6
Class 8	1	0	1
Whole school	91	47	44

Students from Non-English-speaking background: 14

Students of Aboriginal or Torres Strait Islander descent: 4

## 4. STUDENT OUTCOMES IN STANDARDISED NATIONAL LITERACY AND NUMERACY TESTING

Parents of classes 3, 5 and 7 withdrew their children from the standardised NAPLAN testing in 2020, so Rainbow Ridge School did not participate in NAPLAN.

## 5. A SUMMARY OF PROFESSIONAL LEARNING UNDERTAKEN BY TEACHERS DURING THE YEAR

The Teachers at Rainbow Ridge School are very enthusiastic to deepen their understanding of Child Development and implement appropriate programs and lessons that enable all students to learn to the best of their ability.

Professional Learning is happening in different areas:

### 1. In College meetings

- Participation in concise and continuous Child Studies
- Class presentations including planning, assessment, lesson evaluation, work samples and student and class profiles
- Dialogue about assessment, differentiated teaching and learning.
- Presentation of student's wellbeing, either needing physical, emotional, social or learning support.

### 2. At School: all meetings were held safely following the COVID-19 management plan of the school

- Learning Support meetings to establish student wellbeing support.
- Class meetings, where class teachers talk about relevant developmental stage of the class in relation to the curriculum and other educational topics, including reports.
- Reflection of Student learning and classroom practice documented in teacher's diary.
- Attendance at talks given by guest speakers.
- Mentor time with specialists including class observations.
- Professional development meetings before the start of a new term with different topics, guest speakers or practical applications, such as Speech, Movement, Water Colour Painting etc.
- Individual parent meetings after the mid-year report
- Study groups and speech work
- Sensitive Children workshop for teachers and parents

### 3. Webinars and Zoom meetings:

- Glenside Steiner School one week intensive for class teachers before start of a new school year
- Eugen Schwartz Webinar in the summer holidays for preparation for the next school year and class
- Regional Kindergarten meetings
- Professional Development with Association of Independent Schools.
- Steiner Education Australia offered a variety of topics.
- Online courses on the NCCD website.
- Online learning on the NESAs website.

## 6. DETAILS OF TEACHING STAFF WHO ARE RESPONSIBLE FOR DELIVERING THE CURRICULUM

### Class teachers:

Lauren Mitchell - Kindy  
Katrina Ross - Kindy  
Jacqueline Morrissey - Class 1&2  
Jane Robinson - Class 3&4  
Theo Sison/ Lishia O'Reilly -Class 5

Simone Weihermann -Class 7&8  
Mark Piper - Class 7&8

### Specialist Tutors:

Thomas Zachary - Cello  
Xixia Cao - Chinese  
Catherine Dunham - Library & Craft

Leanne Logan - Playgroup Co-ordinator  
Michelle McDonald - Gardening  
Camilla Warner - Music Teacher & Strings

### Classroom aids:

Robyn Berry - Kindy Assistant  
Elenya Heart - Kindy Assistant,  
Sonja Kindermann - Classroom Assistant  
Pollyanna Kingsley - Classroom Assistant

Leanne Logan - Classroom Assistant  
Shanna Eyres - Classroom Assistant  
Neville Stokes - Classroom Assistant &  
School Support Facilitator

## 7. WORKFORCE COMPOSITION

### Administration:

Marga Helms – Principal  
Laurel Grant – Finance Administrator

Anja Hunold – Executive Assistant  
Jennifer Atkinson – Admin Assistant

### Buildings, Gardens & Grounds:

Patrick Pembroke – Maintenance  
Co-ordinator

Mel Cashmore - Cleaner  
Stuart Baker – Gardener

### School Executive Committee:

Marga Helms – Principal  
Laurel Grant – Finance Administrator

Anja Hunold – Executive Assistant

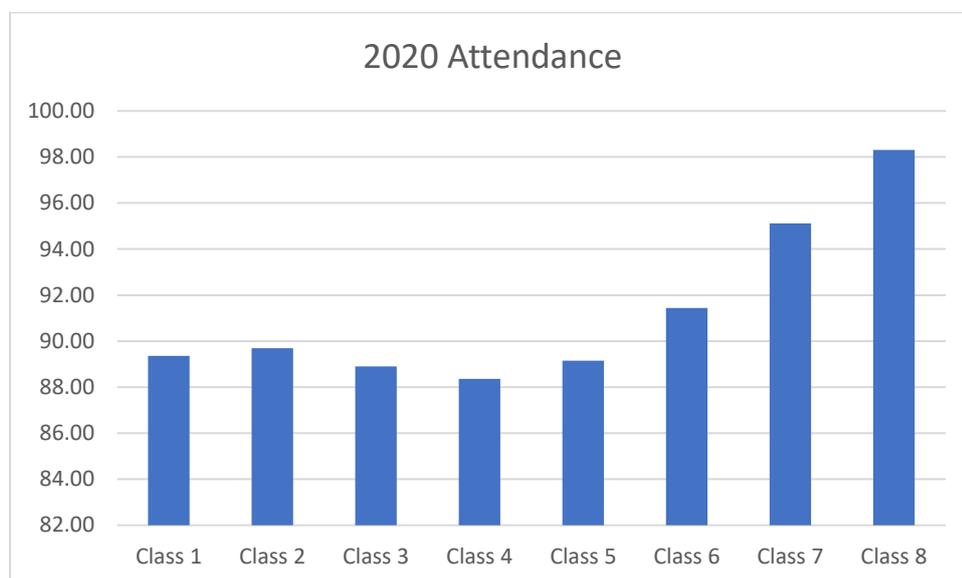
### Board of Directors:

Janu Cannings                      Chairperson  
Noah Nielsen                      Treasurer  
Myfanwy Sterling                Secretary

Ben Robinson  
Bruce Davis  
Lishia O'Reilly

## 8. STUDENT PERCENTAGE ATTENDANCE

Student Attendance Data 2020



**Whole School attendance percentage 91.31%**

2020's attendance is affected by the COVID-19 pandemic with students spending most of Term 2 participating in remote learning. After students returned to school parents were advised by NSW Health not to send children to school if they are unwell, even if they have the mildest flu-like symptoms, which has resulted in a higher level of school absences.

## 9. A DESCRIPTION OF HOW THE SCHOOL MANAGES STUDENT NON-ATTENDANCE

Rainbow Ridge School has a responsibility to monitor the daily attendance of all students at the school and a legal responsibility to record student attendance, including reasons for student absence.

Teachers use class roll books to register student attendance, absences and reasons for absence. Roll book records are a daily responsibility of the class teacher.

The School office passes any notification of absences on to the teacher in note form. Parents are expected to inform the school of their child's absence on the day of or before the absence, by a written, dated note, by phone, by email or by coming into the office with the information.

Student absence due to pre-arranged family, cultural or religious reasons are notified in writing by the parent or guardian to the School, including the reason for absence and the dates of the absence.

If a student is withdrawn from the School, notice of the destination school and address must be given to the office using the student enrolment withdrawal form, which needs to be approved by the Principal.

A copy of the School's Attendance Procedures is attached at Appendix 1.

## 10. RAINBOW RIDGE ENROLMENT POLICIES

The full text of the school enrolment policies is attached at Appendix 2.

## 11. A SUMMARY OF OTHER KEY SCHOOL POLICIES

### Student Welfare

Rainbow Ridge School has several policies relating to student welfare, including the following:

- Child Protection Policy – This outlines the obligations of the School and the staff, relating to the safety, protection and welfare of students, including obligations under child protection legislation. The Child Protection Policy and Procedures were updated to reflect the new legislation in the Children’ Guardian Act 2019. It is required of all staff, including casual staff to read and sign an acknowledgement that the staff member has read and understood the Child Protection Policy and Procedures and agrees to abide by it.
- Policy for a Safe and Supportive Environment – This outlines steps to ensure the safety and wellbeing of students in terms of supervision, use of grounds, buildings and facilities, and travel on school-related activities.
- Pastoral Care Policy – Under this policy, students are made aware of and have access to appropriate pastoral care arrangements. Teachers can counsel children to the best of their ability on site, in conjunction with the parents. In addition, Rainbow Ridge School employs a School Support Person who can be accessed by students, parents and staff.
- Work Health and Safety Policies – These outlines how Rainbow Ridge School meets legislated Work Health and Safety requirements. The WH&S Policy was updated in 2020.

Copies of all these policies are available on the School’s website.

### Anti-Bullying

The School’s Social Behaviour Policy and Policy for a Safe and Supportive Environment outline the behaviours that are expected of students, and any kind of bullying behaviour is not supported under these policies. The School has a specific Anti-Bullying policy which is available on the website.

### Social Behaviour Policy

Rainbow Ridge School takes a whole school approach to addressing social behaviour, leading to a consisted and supported behaviour management practice. All children and staff are aware of the expectations of behaviour and that any failure to meet the expectations will be followed up. The policy is based on principles of procedural fairness and involves parents in the process of procedural fairness. The SBP was updated in 2020 to include the use of restorative practice.

Rainbow Ridge School does not condone corporal punishment by any staff or non-staff members, including parents either on or off the school campus at any time.

Full details of the procedures to address inappropriate behaviour are outlined in the Rainbow Ridge Social Behaviour Policy, which is available on the website.

### Resolution of complaints or concerns

To maintain harmony within our school community we endeavour to find resolutions to all concerns. Effective communication – speaking and listening – is essential to resolve conflicts. Parents, students and school employees can resolve concerns by following the steps outlined in the Rainbow Ridge Communication Guidelines. These steps cover various stages of resolution, which escalate if a concern is not resolved quickly. As a last resort, a mediator is engaged.

Parents can always raise a concern with their child's class teacher, the Principal or the Finance Administrator, depending on the nature of the concern. In all cases, issues will be addressed in accordance with principles of procedural fairness.

The school has a Complaints Handling policy for situations where the Communication Guidelines are either not relevant to the complaint or have been followed but the complaint has not been resolved.

Many policies were reviewed and updated in 2020. The Child Protection Policy includes annual School Child Protection training for all staff. Both Flood and Fire policies and procedures were updated in response to the bush fires and the floods and school closures. Our Parent Handbook was updated to refresh the format, expectations of behaviour on the buses and communication guidelines. Policy updates continued throughout 2020 as well as the filing system for the policies, new and updated policies and archiving. Some of these policies are now available on the Rainbow Ridge School website.

## 12. PRIORITY AREAS FOR THE SCHOOL

Many of the key educational, strategic, community and environmental priorities for the school are ongoing processes of continuous improvement. In 2019, the school identified several key priorities for 2020, and this section of the Annual Report comments on how we managed those priorities, with a view to implementing continuous improvements in 2021.

### **Comments on the priorities for 2020:**

The areas of the Executive Committee, School Health with the School Support Officer and Learning Support Officer are working well.

The Extended Early Childhood capacity was not needed as much as we had anticipated but gives the Kindergarten teachers the possibility to run two Kindergarten groups at any needed time, depending on the number of students.

The review and development of Policies and Procedures has taken progress with clarified processes, clear documentation in a Policies and Procedures folder, same filing electronically as well living in Drop Box accessible to all Board members who have the oversight of all School Policies and Procedures on the school website for parents to view.

The new launched website needs continuous updating and extending. This is still not working to best capacity.

The School's new leadership model with an appointed Principal supported by the College of teachers is working well. There had been a review through a staff survey and a meeting for goal setting with the Principal at the beginning of the year.

### **Priorities for 2021:**

#### **Educational Priorities**

We are continuing our effort to establish Middle School (class 7/8) and make it attractive for all students to choose the path of staying longer at Rainbow Ridge and to support them better for a transition to other High Schools.

The principal appointed a curriculum coordinator to oversee and support all planning in line with NESAs requirements and in line with the National Steiner Curriculum. The school set up an electronic file to keep all documentation from Kindy to year 8 and this will be monitored by the curriculum coordinator reporting to the principal. The principal also authorised a Teacher Accreditation Delegate to support teachers during their accreditation process. In 2020 we had 1 teacher

progressing to Proficient Teacher and we will have another teacher going through the process in 2021.

We intend to progress the teaching and learning goals of commitment to Steiner Education, always deepening the understanding of the relationship between Child Development and the Curriculum. We also continue to mentor teachers to enable them to bring Life Movement (Eurythmy) and Art to classes. We continue effective Student Assessment, Teacher Professional Development, Learning Support and Student Attendance.

The school's enhanced Educational Programs include Professional Development, Health and Physical Education program, Library, School Environmental Sustainability, Gardening and Building program, Languages and their associated Cultural aspects, Connecting with Chinese Steiner Schools, Indigenous programs and Music and Strings program with the school ensemble.

With some classes coming up to full capacity, we carefully need to consider how we can develop more spaces to enable more students to receive Steiner Education at Rainbow Ridge School. The Strategic Plan will be combined with the reviewed Master Plan to provide direction for the future.

### Strategic Priorities

Priority	2019 for 2020	2020 for 2021
Strategic Plan	The new school Strategic Plan for the years 2019-2023 was done and ratified by the Board	With the growth of the school the Strategic Plan will be combined with the Master Plan for future infrastructure planning.
Management Structure	Created the principal role midyear. Revisiting the relationship between Governance and Management and clarification of delegations from Governance to Management	Embedding this structure with opening up the position of Business Administrator working under the principal.
Areas of strength	Adding to school health and strings a Life Movement Program.	Reviewing those programs and adding to quality.

### Environmental Priorities

Priority	2019 for 2020	2020 for 2021
Continuous improvement of the school environment	The school garden has been developed and a Tuckshop position was developed to provide healthy meals from to garden to the plate.	New developments are a bus turn-around and moving our workshop and solar system to a safer place in case of fire. Expending our Kindergarten facilities.

## Community Priorities

Priority	2019for 2020	2020for 2021
To engage and involve parents, including parent education.	This was the worst year possible because of COVID-19 restrictions. Parent group became non-existent.	New beginnings. A new parent group has started with enthusiasm to revive social school life.
Reviewing staff salaries and wages	This is ongoing consideration of the Board with allowances made this year to pay “bonus salary” to all staff.	Modelling through budget comparison and projection a percentual rise of wages in our Modern Award system.
Communication School website	We have created a different website. Need to create special job for the coordinator as the admin staff has not enough time.  In our all-staff meetings, we have been working on improving communication. And several staff members had training in Restorative Practise.	This is a high priority to be able to communicate and provide information on the website.  Apart from the website communication to the school community we are realising how important meetings with a witness are instead of too much email communication that can be leading to misunderstandings.
To market the strengths of the school to the wider community	The school advertises and publishes an article in the local paper every month.	Newspaper articles will continue, and the school website will also achieve this.  Talks that are open to the wider community again.
To foster positive staff morale and health within the school	The success in this area is reflected in the exceptionally low rates of sick leave taken by staff, and remarkably high staff retention rate. The principal meets with all staff to find out about satisfaction and improvements.	In 2021, we hope to maintain this record.
To strengthen student numbers	In 2020 we had good student numbers.	The projection is student growth.

## 13. ACTIONS UNDERTAKEN BY THE SCHOOL TO PROMOTE RESPECT AND RESPONSIBILITY

Promoting respect and responsibility is an integral part of the Steiner school curriculum.

The Social Behaviour Policy outlines the expected standards of behaviour, which includes the requirement to participate in a safe, respectful and responsible manner. Consideration is given to the ages of the students engaged through various KLA's with stories, drama, group work, role playing, music and games to build many social capacities.

Active participation in the daily chores is another avenue to enhance the students' ability to become a responsible person in group dynamics.

Some staff had training in Restorative Practice which was then introduced into all areas of school life.

## 14. A DESCRIPTION OF PARENT, STUDENT AND TEACHER SATISFACTION

Students are monitored for satisfaction through teaching practices integral to Steiner schooling generally and Rainbow Ridge specifically. Teachers evaluate lessons and complete daily reflections on their teaching practice. Assessments and observations of students include the teacher's gauge of student satisfaction to ensure that any dissatisfaction issues can be cleared up while minor. Parents may also express any concerns directly to teachers if need be.

From the 2018 Steiner Education Australia organized and conducted surveys for all Steiner Schools in Australia we have celebrated the high satisfaction rate of parents in their child/ren attending Rainbow Ridge School being a Steiner School and aligning with parent's values, with the creative art-based approach to teaching, high quality of teachers and resources and having a community feel.

We have continued to address areas of improvement named by parents. Apart from having employed Teaching Aids we also employed a specialized Literacy and Numeracy Teacher, who works with individual students and supports class teachers and Aids with programming for students needing learning support.

Communication with parents is staying a strong priority in cases of accidents or incidents at school being documented and communicated straight away. Teachers communicating through emails with parents encouraging voicing of concerns and addressing these promptly.

For more feedback about student's learning the teachers of our Middle School send home feedback to parents after every 3-week block lesson taught. Because of COVID teachers communicated more by emails as classroom visits by parents were not allowed. We still conducted the Mid-year individual parent interviews following the school's management plan.

Teacher satisfaction is also a constant monitoring and feedback process, allowing minor issues to be cleared up before major problems develop. Various methods of gauging satisfaction include peer review, staff reviews and open channels of communication in the College of Teachers Meetings. Our school body takes a cooperative and participatory approach to problem solving, ensuring that staff satisfaction remains steady and positive. The school has been able to attract new staff, receiving several applications from the local community wanting to work at RRS. In the past it was difficult to attract new teaching staff. At the end of 2020 the Board send out a staff survey which was interpreted in term 1 of 2021 and will be part of the next reporting.

## **APPENDICES**

**1. ATTENDANCE POLICY**

**2. ENROLMENT POLICY**

**3. CHILD PROTECTION POLICY**



Created by: HP

Date: Aug 2016

Reviewed by: CD

Date: July 19

## RAINBOW RIDGE SCHOOL ATTENDANCE POLICY AND PROCEDURES

### RATIONALE

The School aims to ensure all students are attending school or accounted for on all scheduled school days. Regular school attendance gives students the best opportunity for education and social well being.

### PURPOSE

To describe the policy and procedures that our School uses to ensure accurate and consistent attendance recording, monitoring and follow up.

### POLICY

- 1) Rainbow Ridge School maintains a Register of Enrolments in accordance with the [Registered and Accredited Individual Non-government Schools \(NSW\) Manual](#).
- 2) The School monitors the daily attendance of all students at the School and maintains a daily Attendance Register for each class of students, including reasons for student absence.
- 3) Student absences from classes or from the School are identified and recorded in a consistent manner by each class teacher, using the attendance codes approved by the Minister for Education.
- 4) A student may be granted an exemption from attendance/enrolment, or a period of extended holiday, by the Principal in some circumstances, in accordance with section 25 of the *Education Act 1990*.
- 5) Unexplained absences from classes or the school are followed up by phone within 7 days by the clerical officer with the parent or guardian to ascertain the reason for the absence.
- 6) Where a student has a poor record of school or class attendance, or where there is an unexplained absence of three consecutive school days, the Principal shall be informed, who will discuss the matter with the class teacher and make efforts to contact the parents/ guardians.
- 7) Where unacceptable class or school attendance is identified, the Principal will arrange an interview with the parents/ guardians to discuss the attendance issue. Any notes or action taken are recorded, as appropriate, in the Student Management Software (SchoolPro) with any hard copies in the student file.

- 8) Information in the Register of Enrolments and the Attendance Registers is backed up regularly and a copy kept offsite.
- 9) Hard copies of the Register of Enrolments are maintained for at least 5 years before archiving and the Attendance Register is retained for at least 7 years after the last entry was made in respect of a Student.

## ATTENDANCE PROCEDURES

### Register of Enrolments

- 1) The Register of Enrolments is maintained, using the School's Student Management software, by the clerical officer appointed to oversee enrolments (Clerical Officer).
- 2) The School collects the following information on enrolment forms. Information is updated each year:
  - a) Name, age and address of student;
  - b) Name and telephone number of parent(s)/guardian(s);
  - c) Date of enrolment; and
  - d) For students over 6 years old, previous school or pre-enrolment situation.
  - e) The School also collects information as required by NESAs, including parent education levels and employment, student and household primary language and indigenous status.
- f) The Clerical Officer stores the hard copy of the enrolment form in the student file.
- g) When a student leaves the School, their parents complete a Student Exit Form, which provides the following information:
  - i) Date of leaving the school; and
  - ii) The destination of the student after leaving the school.
  - iii) The information is recorded into SchoolPro and the Student Exit Form is stored in the student file.
- h) The Clerical Officer processes the Student Exit Form and transfers the information into the Register of Enrolments. The Clerical Officer stores the hard copy of the exit form in the student folder.
- i) Where the destination of a student is unknown, the Principal will send an email or letter to the Department of Education and Communities officer with home school liaison responsibilities, to notify them of the following information:
  - i) The student's full name, date of birth and last known address;
  - ii) The last date of attendance of the student;
  - iii) Name(s) and contact details of the parent(s)/guardian(s);
  - iv) An indication of the student's possible destination;
  - v) Any other information that may assist officers to locate the student; and
  - vi) Any known work health and safety risks associated with contacting the parent(s) or student.

## Attendance Register

- a) Parents are expected to inform the School of their child's absence on the day of or before the absence, by a written, dated note, by phone, or by coming into the office with the information.
- b) Office staff pass any notification of absences to the teacher in note form.
- c) Class teachers complete roll books each day, which are the Attendance Registers for their class(es). Teachers record any absences in the roll books, as well as reasons for the absence and any documentation to support the reasons for absence.
- d) Attendance data is transferred on a weekly basis into SchoolPro by the clerical officer.
- e) The roll books must be readily accessible.

## The Minister's Attendance Codes

- a) It is the Principal's responsibility to ensure that teachers have access to the current attendance codes. The attendance codes approved by the Minister, as varied from time to time, can be found on the website of the NSW Association of Independent Schools (AIS). The AIS also sends email newsletters to advise member schools of any changes in these areas.
- b) The Principal regularly instructs teachers at College meetings about how to record absences so that teachers are recording absences consistently.
- c) Teachers use the attendance codes to record:
  - i) The reason for a student's absence or the reason for a variation in attendance. A variation in attendance includes the student's attendance at school camps, school excursions or school sporting events.
  - ii) The duration of the absence or variation. For example, absent for the whole day ('a') or for part of a day ('Pa'). If absent for part of a day, the time of arrival or departure must be recorded.
  - iii) An 'X' symbol to indicate the first and last day that the student attended each term.

## Exemptions from Attendance/Enrolment, and Extended Holidays

- a) These Procedures reflect the 'Exemption from School Procedures' published by the NSW Department of Education and Communities ([School Attendance Policy PD 2005 0259](#)). When deciding whether to grant an exemption, the Educational Administrator will refer to this publication.
- b) The Principal has authority to grant exemption from school attendance for periods totaling up to 100 days in a 12-month period for any one student. The Principal may only grant an exemption where it has been clearly demonstrated by the parent(s)/guardian(s) that it is in the child's best interests in the short and long term. The Principal must consider and fully explore alternatives to exemption. For example, the Principal must consider whether it is in the child's best interests to access distance education. The Principal may discuss options with the NSW Association of Independent Schools, to gain their input and guidance where appropriate.
- c) Parent(s)/guardian(s) may make an application for their child's exemption from attendance at school, by completing an Application for Exemption from Attendance/Enrolment at School. A copy is attached at Appendix A.
- d) On receipt of an application for exemption from attendance/enrolment at school, the Principal may grant full-day exemptions due to:

- (1) Exceptional circumstances (including the health of the student where sick leave or alternative enrolment is not appropriate);
  - (2) The child being prevented from attending school because of a direction under the Public Health Act 2010;
  - (3) Employment in the entertainment industry; or
  - (4) Participation in elite arts or elite sporting events.
- e) For any other matter not covered, the Principal must consult with the School Education Director (through NESAs).
  - f) On receipt of an application for exemption from attendance/enrolment at school, the Principal may grant part-day exemptions for students participating in school-based programs that have been approved by the Director, Public Schools NSW.
  - g) If parent(s)/guardian(s) request authority not to enroll their child, the Principal will consider this as an application for exemption from enrolment. Parent(s)/guardian(s) may make an application for their child's exemption from enrolment by completing an Application for Exemption from Attendance/Enrolment at School ([Appendix A](#)). On receipt of an application, the Principal may grant an exemption from enrolment at school where:
    - (1) A child turns six on or after 1 October and is engaged in accredited pre-school education; or
    - (2) The health, learning or social needs or disability of a child requires the child's continuation in an approved program.
  - h) Where the Principal decides to grant an exemption from attendance or enrolment in any of the above circumstances, and having regard to the factors in d) of these procedures, the Principal will complete a Certificate of Exemption under Section 25 of the Education Act, a copy of which is attached at [Appendix B](#). The Principal will provide the Certificate of Exemption to the parent(s)/guardian(s), and also place copies in the student file and in a 'Leave and Exemptions' file.
  - i) The Principal must not issue a Certificate of Exemption where child protection issues or risk of harm have been identified. Prior to granting a Certificate of Exemption the Principal will conduct a risk assessment to identify and manage any child protection issues. Where the Principal is aware of existing child protection concerns, the Principal will consult the Director, Student Engagement and Interagency Partnerships prior to approval being granted.
  - j) If the Principal chooses to decline an application for exemption, a letter will be sent to the parent(s)/guardian(s), outlining the reasons for the decision. A template letter is attached at [Appendix C](#).
  - k) Holidays taken by students outside of school holiday periods are considered as absences, so a Certificate of Exemption cannot be granted for this purpose. However, parent(s)/guardian(s) may complete an Application for Extended Leave – Vacation/Travel, a copy of which is attached at [Appendix D](#). On receipt of such an application, the Principal may complete a Certificate of Extended Leave – Vacation/Travel, where the parent(s)/guardian(s) have demonstrated that the extended leave is in the student's best interests in the short and long term. The Principal may attach conditions to the Certificate where appropriate, such as requirements to complete reading or homework tasks. A copy of the Certificate of Extended Leave – Vacation/Travel is attached at [Appendix E](#). The Principal will provide the Certificate of Extended Leave to the parent(s)/guardian(s), who must produce it when requested by police or other authorised attendance officers. The

Principal will place copies of the Certificate on the student file and in a 'Leave and Exemptions' file.

### Unexplained Absences

- a) If a student is absent without an explanation, the teacher or delegated office staff member will contact the parent(s)/guardian(s) by phone or email to ascertain why the student has been absent and to remind the parent of their responsibilities in relation to their child's attendance at school. The teacher may request the office staff to make this initial contact, and the office staff will make a written note to the teacher, to let them know the outcome of the phone call.
- b) If the office staff member is not able to contact the parent(s)/guardian(s) by phone, a letter or email will be sent to them, asking why the child was absent and reminding them to let the school know the reasons each time their child is absent.
- c) All activity is recorded in SchoolPro.
- d) Following a response from the parent(s)/guardian(s), the teacher will report to the College of Teachers and the Principal if there are any significant issues in relation to the absence.
- e) The teacher and/or the Principal make every attempt to address any issues of hindrance for the child attending school.

### Poor Attendance Record

- a) If a student is absent for three or more consecutive school days, and the parent(s)/guardian(s) have been unable or unwilling to provide a satisfactory reason, the teacher or the Principal contacts the parent(s)/guardian(s) to:
  - (1) Outline the School's and the parent's responsibility in relation to attendance and attach a copy or give website of the document '[Compulsory School Attendance – Information for Parents](#)', published by the NSW Department of Education and Communities, and available on the website of the NSW Association of Independent Schools.
  - (2) Outline the support the School can offer to assist the family in relation to attendance. Such support may include an appointment with the School Support Facilitator.
  - (3) Invite the parent(s)/guardian(s) to a meeting with the class teacher and Principal, to discuss ways to resolve the situation.
- b) The teacher stores notification on the student file in SchoolPro, and notes of any meeting/s are also saved on the student file. A template letter is attached at [Appendix E](#).

*Where a student is absent for 30 days, the Principal will access the mandatory reporters section of the Keep Them Safe website ([www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)), to determine whether a report is required.*

## Unacceptable Attendance Record

- a) Unacceptable attendance is clear when the child is not being given an opportunity to receive the appropriate education.
- b) If the parent(s)/guardian(s) do not respond to the School's correspondence, or cooperate with the School's requests in relation to their child's attendance:
- c) The Principal will contact Teaching and Educational Standards (NESAs) to notify that the parent(s)/guardian(s) do not appear to have fulfilled their responsibilities in relation to their child's attendance.
- d) The Principal sends a letter, this time by registered mail, which informs the parent(s)/guardian(s) that NESAs has been notified because of the lack of response or cooperation regarding the child's unexplained absence from school. A copy of this letter is stored on the student's file.
- e) In some cases, the Principal will need to forward documentation to the Department of Education and Communities (DEC) officer with home school liaison responsibilities, outlining the student's attendance record, and the efforts made by the School. In this case, the Principal will also advise the parent(s)/guardian(s) that the DEC has been contacted.
- f) At the end of this process, the Principal will send an email or letter to the parent(s)/guardian(s), notifying them that the child's enrolment at the School is no longer valid.

## Storage of Registers

- a) The designated Clerical Officer ensures that the Register of Enrolments in SchoolPro is accurate and complete and backups are made on a regular basis.
- b) The designated Clerical Officer ensures that a photocopy of the Attendance Registers is made at the end of each term, to keep in each class file.
- c) At the end of each term the Attendance Register copies are scanned and stored electronically off site.

## Archiving of Registers

- a) The Principal will determine when the Register of Enrolments and the Attendance Registers (roll books) will be disposed of.
- b) The Principal will ensure that the Register of Enrolments will be held in a storage site at the school for at least 5 years and will maintain backup records for the same length of time.
- c) The Principal will ensure that Attendance Registers will be held in a storage site at the school for at least 21 years after the last entry was made and will maintain backup records for the same length of time.

Associated Documents:  
Parent Handbook  
Enrolment Application Form  
Application for Attendance Exemption Form  
Application for Extended Leave Form  
Exit Interview Forms  
Class Roll books



Created by: HL

Date: Oct '15

Reviewed by: CD

Date: Nov '19

## Enrolment Policy

### RATIONALE

Rainbow Ridge School for Steiner Education aims to embrace children and their families irrespective of gender, age, religion, ethnicity, sexual preference and marital status and integrate them into our school community. The School endeavours to provide children with age-appropriate learning experiences as well as an environment that serves the freedom of the human spirit by emphasizing the balanced and disciplined education of the child as a whole being.

The school's vision statement is as follows:

“Rainbow Ridge School offers a universal education in balance and harmony with the environment, embracing Rudolf Steiner's philosophies and growing with the changing needs of time.”

### PURPOSE

The purpose of this document is to outline the enrolment policy and procedures at Rainbow Ridge School.

### POLICY

#### *Information about the school*

We encourage parents to inform themselves about our educational approach before proceeding with the enrolment process. An information package describes the School and can be obtained from the school or the website. The school website address is: [www.rainbowridge.nsw.edu.au](http://www.rainbowridge.nsw.edu.au)

#### *Application for Enrolment*

Parents obtain an application for enrolment form as part of the school's information package from the school office, the website or by post. The Enrolments Officer will acknowledge the application within two weeks.

Enrolment at Rainbow Ridge School is dependent on the outcome of the enrolment procedures including an interview and additional assessment (if required) to determine whether the school can meet the child's needs.

Priority will be granted to:

- Children registered on the school's waiting list
- Teachers' children
- Siblings of current enrolments and
- Transfers from other Steiner school

## Interview

After Rainbow Ridge School has received the Application for Enrolment Form and all the required information, an interview will be arranged, if a vacancy exists in the appropriate class. If a vacancy does not exist, the applicant is invited to have the application put on the waiting list and will then be informed when a place becomes available.

*The purpose of this interview is to:*

- Enable the parent(s) and the child to meet the Class Teacher;
- Ensure parents are fully aware of what a Steiner Education at Rainbow Ridge School offers and how this may differ from other educational options;
- Enable parents to gauge if Rainbow Ridge School is the appropriate school for their child;
- Determine whether Rainbow Ridge School can meet the child's needs;
- Inform parents of administrative arrangements: i.e. school structure, fees, community involvement, expectations of parents, parent group etc.;
- Discuss the Parent Handbook and give parents an opportunity to ask questions;
- In the case of families of a child with additional needs, another school support staff member will also attend the interview, as appropriate;
- If a place is available parents will be advised and the enrolment process will proceed to the next steps.

*The school may accept children for enrolment when it considers that:*

- It is in the best interest of the child;
- The school can meet the educational needs of the child (including children with additional needs) within resources available;
- The family understands and is prepared to actively support the ethos of the school, including signing an Enrolment Agreement form that contains the conditions of entry into the school;
- The teacher considers they can develop a working relationship with the parents and the child;
- There is a vacancy in the class in accordance with enrolment policy.

*The school may not accept children for enrolment when it considers that:*

The school is not able to meet the educational needs of the child. This decision can only be made after guidelines have been followed for students with additional needs. (See Guidelines for Applications for Enrolment of Students with Additional Needs below).

- Families do not support and/or embrace the school ethos and policies.
- The enrolment is part-time and/or short-term.
- The class is full.

## *Additional Needs and/or Disabilities*

Parents must disclose their children's additional needs e.g. physical, emotional, behavioural, sensory, learning difficulties or other relevant information at the time of application. The school will require reports and assessments in order to determine whether it can meet the child's special needs. The selection criteria are not intended to discriminate against students with special conditions. However, as an independent school, resources that can be made available to support children with specific learning difficulties are limited, affecting the provision for such students.

The school follows the Disability Standards for Education introduced by the Commonwealth Government which have been formulated under the paragraph 31(1)(b) of the Disability Discrimination Act 1992.

#### *Age of School Entry*

Children shall turn six during their kindergarten year. Every child is individually assessed by the Kindergarten Teacher to determine the child's 'readiness' to enter Class 1.

Occasionally, a kindergarten child may not be considered ready to progress to Class 1 and will be recommended for another year in kindergarten. Parents and/or Guardians are included in this process.

#### *Offer of a place and acceptance by signing the Agreement Form*

The final steps of the enrolment process are taken after the interview with the teacher. The application is referred to the College of Teachers, or its designated representative, for approval.

If a place is to be offered a letter of offer will be sent along with the **Family and Child Enrolment Contract** to be returned completed before the next step in the process.

The child is formally enrolled when the signed enrolment contracts have been received, administrative requirements are met and processed by the office. The Class Teacher will make contact to arrange the child's first day at the school.

#### *The Term's Trial System*

All students enrolling at Rainbow Ridge School are initially accepted for one term, until both parents and teachers have had the opportunity to see how the student is settling in. This allows the school to evaluate whether the child is benefiting from what the school has to offer and is responding well to their new school environment. It also gives the parents the opportunity to evaluate whether this is the right choice of school for their child. In some cases, and in consultation with parents, this trial period might be extended; if the situation requires it, the parents or the school may terminate enrolment before the completion of the term.

#### *Follow up*

The Class Teacher will contact the parent to arrange a meeting within the first few weeks of the term to see how the child is settling in. The teacher and the parents will meet again before the end of the term to determine the outcome of the trial period at which time the child's enrolment is fully accepted or extended.

#### *Guidelines for Applications for Enrolment of Students with Additional Needs*

All students applying for enrolment will be considered in line with the Enrolment Guidelines. These guidelines are intended to be applied flexibly, to suit the circumstances of each application.

When considering any application for enrolment, the school will consider whether the school is able to cater for the student's individual needs (including any additional needs). This will be achieved by working through an individual planning process to identify any reasonable adjustments and the school's ability to meet the student's needs.

Where a child is considered to have additional needs as perceived by the parents, the Principal or Class Teacher, or a diagnosed disability, these will be explored and documented throughout the enrolment process. The nature of the additional needs or disability will be clarified through consultation with the parent or guardian in the interview process, contact with previous school (where appropriate) and available reports.

If the decision is taken to enrol a student with a disability, any strategies that need to be put into place to accommodate the student's additional needs – including ongoing needs – should be identified before communicating/announcing the enrolment decision.

The College of Teachers and the Principal supports the Class Teacher throughout this process.

### Individual Planning Process

Document that the following has been completed:

- The family's views have been heard and the school can demonstrate it has seriously considered relevant issues regarding their child's enrolment.
- Identify student's additional needs or disability – this should be a collaborative approach with the family and school and possibly relevant experts. The Principal may seek advice and consultation from the Association of Independent Schools (NSW) (AIS).
- Request the family to provide information about the student's needs as part of the individual planning process. Relevant information will assist in identifying any adjustments and could include:
  - previous school or preschool reports, noting current achievements and areas of need
  - psychologist's report documenting functional skills and recommended strategies for working with the student
  - speech pathologist's report documenting receptive and expressive language skills and any recommendations for programs or technology in the classroom
  - occupational and physiotherapy reports documenting self-help skills and mobility, including assistive technology reports recommending equipment and access audits regarding access to premises
  - medical specialist reports identifying issues which need to be considered by the school
  - vision and hearing reports documenting level of functioning and recommended strategies
- The teacher and the Principal prepare a detailed analysis of the student's additional needs for the initial years of the student's schooling and considers potential needs in the years following enrolment, being flexible about solutions to potential difficulties.
- Request feedback and suggestions from relevant staff in the school and external special educators about the possible impact of the student's enrolment on the school and possible adjustments.
- If the school makes an enquiry of a third party, care will be taken to protect the privacy of the applying student and their family. Parental permission in writing will be sought if needing to speak to preschools, other schools or specialists.
- Identify the adjustments necessary for the student to access and participate in the school before determining what is **reasonable**. Advice from an independent expert may be obtained.
- Developing a **reasonable adjustment** requires an **informed judgement** using input from the student, student's specialists, school staff and possibly special education advice to support the school.
- Objective notes and records will be taken of all discussions and interviews with parents and kept on file. Documentation will be kept outlining the people involved in the process, the issues raised, objective notes on possible adjustments, agreed actions and a timeline.
- The family will be kept informed about the progress of the application.

- As part of the planning process, it is possible to consider all options available to the student. This could be sensitive and is best addressed through the planning process by the collaborative team.
- After assessing whether there are other appropriate options and whether the adjustment may need to be changed over the period of the student's education, the Principal will decide, in consultation with teacher and relevant experts, **whether to make the adjustment. A school does not have to make a reasonable adjustment if by doing so it would impose an unjustifiable hardship on the school.**
- **Provide the adjustment within a reasonable time.** The school is entitled to ask for relevant information in considering a reasonable adjustment. This should be provided by the family in a timely manner.
- If the school accepts the enrolment, an ongoing process will be implemented to manage issues which might require further adjustments. The ongoing use of a collaborative team approach will be used.
- It will be determined if the student meets the requirements for Integration Funding from AIS.
- Determining whether there is an unjustifiable hardship involves a similar balancing process and should be done in consideration of AIS advice.
- If the school considers that it may have to decline the enrolment, the Principal will be involved, seeking advice from AIS and communicate the preliminary decision to the family. The school must be able to demonstrate that it is unable to meet that student's needs without unjustifiable hardship, having regard to the student's current condition and prognosis.
- Before making a final decision about adjustments to be made, or declining an application for enrolment, the Principal must have communicated the preliminary decision to the family and invite their input to the school.

**Adjustments** are measures/actions that identify the type and level of support required by the student with a disability or additional needs to **access and participate** in all aspects of school life.

An **adjustment is reasonable** if it **balances the interests of all parties affected**. Issues which are relevant to the balancing exercise include:

- the impact of the disability itself on the student
- the views of the student or parents/guardians of the student
- the effect of the proposed adjustment on the student
- the effect of the proposed adjustment on others including students and staff
- the costs and benefits of making the adjustment



## Rainbow Ridge School Child Protection Policy

This policy is in accordance with NESA requirements for NSW Independent Schools

### 1. Introduction

#### 1.1 Rationale

The safety, protection and well being of all students is of fundamental importance to the School. The School and its employees, contractor and volunteers have a range of different obligations relating to the safety, protection and welfare of students.

#### 1.2 Purpose and scope

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

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

#### 1.3 Key legislation

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

- the *Children and Young Persons (Care and Protection) Act 1998* (“Care and Protection Act”);
- the *Child Protection (Working with Children) Act 2012* (“WWC Act”);
- the *Children’s Guardian Act 2019* (“Children’s Guardian Act”)
- the *Crimes Act 1900* (“Crimes Act”).

#### 1.4 Related policies

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

- Staff Code of Conduct - sets out information about the standards of behaviour expected of all staff members;

- Work Health and Safety Statement - identifies the obligations imposed by work health and safety legislation on the School and staff members;
- Anti-Discrimination and Anti-Harassment Policies - obligations in relation to unlawful discrimination and harassment;
- Anti-bullying Policy;
- Complaint Handling Procedures – provides the steps taken by the School in addressing complaints.

### 1.5 Compliance and records

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

- register of staff members who have read and acknowledged that they read and understood this policy;
- working with children check clearance (WWCC clearance) verifications and register;
- mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services; and
- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

## 2. Child Protection

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

- a duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen; and
- obligations under child protection legislation.

### 2.1 Children protection concerns

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

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

**Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

**Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

**Emotional abuse** can result in serious psychological harm, where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

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

## 2.2 Child wellbeing concerns

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm in section 5.1.2.

## 2.3 Staff member responsibilities

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

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

## 3. Training

### 3.1 The School

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

### 3.2 Staff members

All new staff members must read this policy and sign the acknowledgement that they have read and understood the policy.

All staff members must participate in annual child protection training and additional training, as directed by the Principal. The training complements this policy and provides information to staff about their legal responsibilities related to child protection and School expectations, including:

- mandatory reporting;
- reportable conduct;
- working with children checks; and
- professional boundaries.

## 4. Working with children

The WWC Act protects children by requiring a worker to have a WWCC clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.

The Office of the Children's Guardian (OCG) is responsible for determining applications for a WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:

- grant a WWCC clearance (generally valid for 5 years); or
- refuse a WWCC clearance (further applications cannot be made for 5 years).

In addition, the OGC may impose an interim bar on engaging in child related work for both applicants and WWCC clearance holders.

WWCC clearance holders are subject to ongoing monitoring by the OGC.

#### 4.1 Responsibilities for working with children checks

##### 4.1.1 Staff members

Staff members who engage in child-related work and eligible volunteers (including those volunteers working at overnight camps) are required to:

- hold and maintain a valid WWCC clearance;
- not engage in child-related work at any time that they are subjected to an interim bar or a bar;
- report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OGC that they are subjected to a risk assessment; and
- notify the OGC of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or if they are subject to a bar.

All volunteers are required to:

- be aware and follow the expectations of conduct expressed in the School staff Code of Conduct and sign the acknowledgement;
- Volunteers on school camps will also be required to:  
be aware of the School's Child Protection Policy and sign the acknowledgement.

##### 4.1.2 The School

The School is required to:

- verify online and record the status of each child-related worker's WWCC clearance;
- only employ or engage child-related workers or eligible volunteers who have a valid WWCC clearance; and
- advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's Working with Children Check Directorate (WWCC Directorate). It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar.

## 4.2 Working with children check clearance

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

### 4.2.1 Child-related work

Child-related work involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Child related work includes, but is not limited to work in the following sectors:

- early education and child-care including education and care service, child-care centres and other child-care;
- Schools and other educational institutions and private coaching or tuition of children
- religious services;
- residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
- transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings; and
- counselling, mentoring or distance education not involving direct contact.

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

### 4.2.2 Application/Renewal

An application or renewal can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and a review of findings of misconduct. If the OCG grants or renews a WWCC clearance, the holder will be issued with a number which is to be provided to the School to verify the status of a staff member's WWCC clearance.

#### 4.2.3 Refusal/Cancellation

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

#### 4.2.4 Interim bar

The OCG may issue an interim bar, for up to 12 months, to high risk individuals to prevent them from engaging in child-related work while a risk assessment is conducted. If an interim bar remains in place for six months or longer, it may be appealed to the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children.

#### 4.2.5 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.

### 4.3 Ongoing monitoring

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

### 4.3.1 Risk assessments

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

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

## 4.4 Process for reporting to OCG

### 5.1 Reports to Communities and Justice

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to the Department of Communities and Justice (DCJ) as soon as practicable. The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, the School may choose to make a report to the DCJ where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

In the independent school sector, a mandatory reporter will meet their obligation if they report to the Principal in the School. This centralised reporting model ensures that a person in the School has all of the information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the School not being aware of individual incidences that amount to cumulative harm.

#### 5.1.1 Reasonable grounds

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first-hand observations of the child, young person or family;
- what the child, young person, parent or another person has disclosed;
- what can reasonably be inferred based on professional training and / or experience.

'Reasonable grounds' does not mean a person is required to confirm their suspicions or have clear proof before making a report.

#### 5.1.2 Significant harm

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- 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,
- a parent or other caregiver has behaved in such a way towards the child or young person, that the child or young person has suffered or is at risk of suffering serious psychological harm;
- the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent', is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.

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

## 5.3 Process for mandatory reporting

### 5.3.1 Staff members

Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Principal as soon as possible to discuss whether the matter meets the threshold of 'risk of significant harm' and the steps required to report the matter.

However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable, staff members should contact the Police and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior member of staff at the School as soon as possible.

Staff members are not required to and must not, undertake any investigation of the matter. Staff members are not permitted to inform the parents or caregivers that a report to the DCJ has been made.

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

### 5.3.2 The School

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

## 5.4 Process for reporting concerns about students

### 5.4.1 Staff members

The Care and Protection Act outlines a mandatory reporter's obligation to report to the DCJ concerns about risk of significant harm. However, to ensure centralised reporting, all staff members are required to report any concern regarding the safety, welfare and wellbeing of a

student to the Principal or the Principal's delegate. Staff members who are unsure as to whether a matter meets the threshold of 'risk of significant harm', should report their concern to the Principal regardless.

Staff members are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominates.

## 6. Reportable conduct

Section 29 of the Children's Guardian Act 2019 requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' and the outcome of the School's investigation of these allegations. Under the Children's Guardian Act 2019, allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity.

Reportable Conduct:

- involves a child (a person under the age of 18 years) at the time of the alleged incident; and
- involves certain defined conduct as described in the Act (see below).

The OCG:

- must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable conduct or reportable convictions;
- must determine whether an investigation that has been monitored has been conducted properly and whether appropriate action has been taken as a result of the investigation;

- may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and
- may investigate the way in which a relevant entity has dealt with, or is dealing with, a report, complaint or notification, if the OCG considers it appropriate to do so.

## 6.1 Reportable conduct

Under the Children’s Guardian Act 2019, *reportable conduct* is defined as:

- a sexual offence;
- sexual misconduct;
- an assault against a child;
- ill-treatment of a child;
- neglect of a child;
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and
- behaviour that causes significant emotional or psychological harm to a child.

Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures; or
- conduct of a class or kind exempted from being reportable conduct by the Children’s Guardian Act under section 30.

### 6.1.1 Definitions

The following definitions relate to *reportable conduct*:

- **Sexual offence:** an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:
  - sexual touching of a child;
  - a child grooming offence;
  - production, dissemination or possession of child abuse material.

Definitions of ‘grooming’, within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a ‘special care’ relationship. Under Schedule 1(2) of the WWC Act, grooming is recognised as a form of sexual misconduct. The Children’s Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.

- **Sexual misconduct:** conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:
  - descriptions of sexual acts without a legitimate reason to provide the descriptions;
  - sexual comments, conversations or communications;
  - comments to a child that express a desire to act in a sexual manner towards the child, or another child.

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

- **Assault:** an assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):
  - applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or

- causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)

- **Ill-treatment:** is defined as conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel.

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

- **Neglect:** defined as a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child that causes or is likely to cause harm - by a person who has care and/or has responsibility towards a child.

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfill a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

- Behaviour that causes significant **emotional or psychological harm** to a child is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For a reportable allegation involving psychological harm, the following elements must be present:

- An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and
- Evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and
- An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

- **Reportable allegation** is an allegation that an employee has engaged in conduct that may be reportable conduct.
- **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
- **Employee** of an entity includes:
  - an individual employed by, or in, the entity
  - a volunteer providing services to children
  - a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an entity; and
  - a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.
- **PSOA** (Person Subject Of the Allegation).

## 6.2 Process for reporting of reportable conduct allegations or convictions

### 6.2.1 Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or about the employee themselves must be reported to the Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported.

Staff members must also report to the Principal when they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to the employee themselves.

If the allegation involves the Principal, the staff member must report to the Chairperson of the School Board of Directors.

### 6.2.2 Parents, carers and community members

Parents, carer and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the Principal or their delegate. All such reports will be dealt with in accordance with the School's complaint handling procedures.

### 6.2.3 The School

The Principal, as the Head of Entity under the Children's Guardian Act 2019, must:

- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions (*See OCG Notification Form*)
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse),

The notification should include the following information:

(a) that a report has been received in relation to an employee of the School, and

(b) the type of reportable conduct, and

(c) the name of the employee, and

(d) the name and contact details of School and the Head of Entity, and

(e) for a reportable allegation, whether it has been reported to Police, and

(f) if a report has been made to the Child Protection Helpline, that a report has been made, and

(g) the nature of the relevant entity's initial risk assessment and risk management action,

- The notice must also include the following, if known to the Head of Entity:

(a) details of the reportable allegation or conviction considered to be a reportable conviction,

(b) the date of birth and working with children number, if any, of the employee the subject of the report,

(c) the police report reference number (if Police were notified),

(d) the report reference number if reported to the Child Protection Helpline,

(e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.

- Maximum penalty for failure to notify within 7 business days —10 penalty units.

### 6.3 Process for investigating an allegation of reportable conduct

The Principal is responsible for ensuring that the following steps are taken to investigate an allegation of reportable conduct.

#### 6.3.1 Initial steps

Once an allegation of reportable conduct against an employee is received, the Principal is required to:

- determine whether it is an allegation of reportable conduct;
- assess whether the DCJ or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the School proceeding with the reportable conduct investigation;
- notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police);
- notify the OCG within 7 business days of receiving the allegation;
- carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- provide an initial letter to the PSOA advising that an allegation of reportable conduct has been made against them and the School's responsibility to investigate this matter under Section 34 of the Children's Guardian Act 2019; and
- investigate the allegation or appoint someone to investigate the allegation.

#### 6.3.2 Investigation principles

During the investigation of a reportable conduct allegation the School will:

- follow the principles of procedural fairness;
- inform PSOA of the substance of any allegations made against them, at the appropriate time in the investigation, and provide them with a reasonable opportunity to respond to the allegations;
- make reasonable enquiries or investigations before making a decision;
- avoid conflicts of interest;

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

### 6.3.3 Investigation steps

In an investigation the Principal or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation;
- provide a letter of allegation to the PSOA;
- provide the PSOA with the opportunity to provide a response to the allegations either in writing or at Interview;
- consider relevant evidence and make a preliminary finding in accordance with the OCG guidelines;
- inform the PSOA of the preliminary finding in writing by the Head of Entity and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings;
- consider any response provided by the PSOA;
- make a final finding in accordance with the OCG guidelines;
- decide on the disciplinary action, if any, to be taken against the PSOA;
- if it is completed, send the final report to the OCG within 30 days after having received the allegation, as per section 36 of the Children’s Guardian Act 2019.
- should the final report be unfinished within 30 days, the Head of Entity must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children’s Guardian Act 2019.

Submission of an interim report must include;

- a reason for not providing the final report within 30 days and an estimated time frame for completion of the report.
- specific information, including (if known); the facts and circumstances of the reportable allegation; any known information about a reportable conviction; action taken since the OCG received a notification about the reportable allegation or reportable conviction; further action the Head of Entity proposes to take in relation to the reportable allegation or reportable conviction; including if the Head of Entity proposes to take no further

action; the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations; and

- be accompanied by copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

The steps outlined above may need to be varied on occasion to meet particular circumstances. For example, it may be necessary to take different steps where the matter is also being investigated by the DCJ or Police.

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

#### 6.4 Risk management throughout an investigation of a reportable conduct allegation

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

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

##### 6.4.1 Initial risk assessment

Following an allegation of reportable conduct against an employee, the Principal conducts an initial risk assessment to identify and minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;
- the PSOA;
- the School, and
- the proper investigation of the allegation.

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

- the nature and seriousness of the allegations;
- the vulnerability of the child(ren) the PSOA has contact with at work;
- the nature of the position occupied by the PSOA;

- the level of supervision of the PSOA; and
- the disciplinary history or safety of the PSOA and possible risks to the investigation.

The Principal will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, being asked to take paid leave, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA. Serious allegations under investigation either internally or by the police will lead to automatic suspension of the PSOA.

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

#### 6.4.2 Ongoing risk assessment

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

#### 6.4.3 Findings

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

#### 6.4.4 Information for the PSOA

The PSOA will be advised:

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

The PSOA does not automatically have the right to:

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

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the School in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

#### 6.4.5 Disciplinary action

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

In relation to any disciplinary action the School will give the PSOA:

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

#### 6.4.6 Confidentiality

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

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

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible only by the Head of Entity or with the Head of Entity's express authority.

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

Staff members who become aware of a breach of confidentiality in relation to a reportable conduct allegation must advise the Principal.

## 7. Criminal offences

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

### 7.1 Failure to protect offence (Crimes Act 1900 – NSW)

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

### 7.2 Failure to report offence (Crimes Act 1900 – NSW)

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

### 7.3 Special Care Relationships (Crimes Act 1900 – NSW)

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

The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

#### **Associated Documents**

Staff Code of Conduct	Incident Report Form
Parent Code of Conduct	Communication Guidelines
Student Code of Conduct	Anti – Bullying Policy
WHS Statement	Anti – Harassment Policy
WWCC Policy and Procedures	Anti – Discrimination Policy
Social Behaviour Package	Complaints Handling Policy

# Rainbow Ridge School Child Protection Policy

## Acknowledgment

I \_\_\_\_\_ (please print)  
have read, understood and agree to comply with the terms of the Rainbow Ridge School Child Protection Policy.

Signed (Employee)

Dated

Signed (Principal)

Dated

### REFERENCES

NSW Department of Communities and Justice

<https://www.dcj.nsw.gov.au>

The Office of the Children's Guardian

<https://www.kidsguardian.nsw.gov.au>

Department of Premier and Cabinet – Keep Them Safe

[www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)