



# Child Safeguarding Program

## Child Safeguarding Record Keeping

Standard 1 of both the NSW Child Safe Standards and the National Catholic Safeguarding Standards (NCASS), as well as multiple NSW child protection laws and regulations, require the School to keep (and for Staff and Volunteers to understand their obligations regarding) a variety of records related to child protection and safety. The NCSS set out particular requirements that the School, as a Catholic entity, must meet with respect to child safeguarding record keeping.

Records relevant to child protection and safety include not just records of child safety incidents or concerns and the School's response, but also a number of other different types of records, such as:

- human resources records about recruitment, screening, supervision and training of Staff, Volunteers and Contractors
- records that can establish the whereabouts of children, Staff, Volunteers and Contractors on particular dates and times
- records of reviews/audits of the School's child protection and safety policies and practices.

Effective record keeping about child safeguarding at the School is one of the School's key strategies in the management of its child safe organisation and child protection obligations, including the fulfillment of our duty of care.

It is through such record keeping that the School can ensure that, if there is ever a need for evidence of the School's child safe culture, of the precautions and preventative measures taken in response to the risk of child abuse or other harm, or of the School response to particular child safety incidents or concerns, the School has well-documented and easily-accessible records.

This Policy sets out The John Berne School's expectations, systems and procedures for creating and managing records relevant to the Child Safeguarding Program

## Records of Child Safety Incidents or Concerns

The Principal is responsible for keeping all records relating to child safety incidents or concerns, including records of incidents, allegations, complaints, investigations and findings made under this Program, up-to-date and secure.

Records are stored Principal's office. Records about child safety incidents or concerns must be stored securely and maintained indefinitely.

Where the child safety incident or concern relates to an allegation against a staff member, Volunteer or Contractor (including about breaches of the Child Safeguarding Codes of Conduct), the School may maintain records as part of Reportable Conduct records and our Human Resources Management records.

## Documenting a Child Safety Incident or Concern and the School's Response

Documenting observations and communications about **all** child safety incidents or concerns, including those that do not meet the relevant threshold for external reporting, ensures that:

- all information about individual students can be taken into account should future child safety incidents or concerns arise
- any patterns that might arise from child safety incidents or concerns can inform reviews of our Child Safeguarding Program.

Therefore, the School requires that Staff, Volunteers and Contractors must document all observations of and verbal and written communications about child safety incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls), regardless of whether the child safety incident or concern meets the relevant thresholds for external reporting. The records should include dates and times and enough detail to record key observations or conversations, especially those relating to the student's disclosure.

In addition, where a staff member, Volunteer, Contractor:

- knows or suspects on reasonable grounds that a student is at risk of significant harm, such that a Voluntary Report or a Mandatory Report to DCJ has been or will be made; or
- knows or believes that a child abuse offence has been committed against a student, such that a Report to Police has been or will be made,

they must record written and dated notes of their observations and concerns must be recorded to assist in reporting the concerns to the Department of Communities and Justice (DCJ) or Police.

For information about when and how to make these external reports, refer to [Procedures for Responding to and Reporting to Child Safety Incidents and Concerns](#).

## **How to Document the Child Safety Incident or Concern**

Where possible, the following information about a child safety incident or concerns should be documented:

- whether the student needed first aid and, if so, who administered it and whether follow up medical care was/is required
- the student's information, including: name, age, gender, address and parent/guardian information
- whether the student has any disabilities, or mental or physical health issues
- the student's history including any known previous history of suspected abuse, neglect or other harm
- the student's family background, including cultural/linguistic background
- the grounds for the suspicion that a student is at risk of significant harm, including behavioural and physical indicators
- any details of the person alleged to have committed the abuse or other harm (if known)
- who the matter was reported to (internally and externally)
- any action that has resulted from the internal/external report
- whether the student's parents/carers have been contacted.

Not all of the above information will be able to, or will need to be, included for every child safety incident or concern. Some of the information will already be held in the student's record and need not be repeated. Other information may not be relevant to the situation.

The School requires Staff, Volunteers and Contractors to use the Responding to an Incident, Disclosure or Suspicion of Child Abuse or Other Harm Template to record all child safety incidents and concerns including observations, beliefs, suspicions, disclosures or allegations of child abuse or other harm. The Form must be used regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, Volunteer, Contractor or any other person.

For Volunteers and Contractors, a Child Safeguarding Officer can complete the Form on their behalf. For Staff, a Child Safeguarding Officer can complete, or can assist them to complete, parts of the Form.

As the various responses of the School occur, a Child Safeguarding Officer or the Principal must also record these on the Form.

The Form is available [here](#). A copy is also available in the [Additional Resources](#) section of this Program.

Not all the sections of the Form will be able to or will need to be filled out for every child safety incident or concern. Some of the information will already be held in the student's record and need not be repeated. Other parts of the form may not apply to each situation.

Some information from the student's record may be used to pre-populate some sections of the form.

It is important to note that it is not your role to quiz the child, young person or other person or person making the disclosure or allegation to complete your report. You should only record what information is observed or offered during the disclosure or allegation and then be sure to report the matter to a Child Safeguarding Officer or the Principal and any relevant external agencies in line with your legal obligations.

The 'Process of Review' section in the Form must be completed between 4-6 weeks after an incident, suspicion or disclosure of abuse, in conjunction with the Principal, a Child Safeguarding Officer or, if the incident or concern involves the Principal, the MSA Regional Director.

All completed Forms are to be given to the Principal, or where the allegation concerns the Principal the MSA Regional Director, or a Child Safeguarding Officer.

Any other notes and records obtained or made by Staff, Volunteers and Contractors regarding child safety incidents or concerns should also be given to the Principal or a Child Safeguarding Officer. For example, these may include:

- handwritten notes taken during a disclosure by a student
- copies of any written reports made to the Police or external bodies about the matter
- if the allegation includes claims of inappropriate online activity, any digital copies of correspondence between the student and the person or staff member who is the subject of the allegation.

The School maintains these records indefinitely. Records relating to a child safety incident or concern are only disposed of subject to law or policy.

## **Mandatory Reports Made by the Principal or Their Supervisor Under the MOU**

The Principal is responsible for keeping all records relating to the Mandatory Reporting MOU, including records of Mandatory Reports made by the Principal or their supervisor up-to-date and secure.

For more information, refer to [Mandatory Reporting to DCJ](#).

## Reportable Conduct Records

When a reportable allegation is made, the School must document certain information throughout the Reportable Conduct process:

- the allegation
- the School's initial response to the person making the allegation
- the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- a plan detailing how the investigation is to be carried out including any notifications to Police or other authorities
- the Stage One risks assessment conducted by the Principal and outlined above
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times.
- any decision made, both during and at the conclusion of the investigation, including the person making the decision's rationale, the position and name of the person making the decision and the date that the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and where appropriate, the reason for the contact)
- a summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment (refer to [Investigating Reportable Conduct](#)) (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.

All records created in accordance with the [Reportable Conduct](#) policy, including all allegations, outcomes of internal investigations and decisions to make or not make a reportable conduct report are maintained by the James Le Huray. Principal and located Principal's office.

The School keeps these records in a file that is separate to the employee's personnel file and maintains them indefinitely.

## Working with Children Check (WWCC) Documentation

The School maintains records (electronic or hard copy format) of certain WWCC information for all child-related workers, including Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors who are individuals.

Where The John Berne School engages, as a Contractor, a company or other contracted service provider with multiple employees, the School may require, in its contract with the Contractor, the Contractor to keep all required WWCC records for each person engaged by the Contractor to provide the contracted service to the School.

There are two methods of keeping WWCC records at The John Berne School, one for paid Staff (including Contractors who are individuals) and one for Volunteers.

### 1. Staff and Contractors

Prior to the commencement of any appointment, Staff, including relevant Contractors, must provide their WWCC Number to the School and have a WWCC Clearance.

Using the School's Office of the Children's Guardian WWCC employer log in, the Principal and/or Office Administrator are responsible for the initial verification of all Staff and Contractor WWCC clearances.

Once verified, status reports are printed and scanned, or otherwise electronically stored, and emailed to the Payroll/HR Manager.

The original hard or electronic copies are forwarded to the Principal who stores them in individual staff members' personnel files or with the Contractor's engagement file.

In addition, the following information for each staff member and relevant Contractors is recorded electronically in a Paid Staff WWCC register, which is updated regularly:

- first name
- family name
- date of Birth
- verification date
- WWCC Number or Application Receipt Number
- result status
- time until expiry

- expiry date of the WWCC clearance
- result of the verification (full text).

The Principal and/or Office Administrator are responsible for monitoring the WWCC status of all staff members.

Each month the Principal or Office Administrator checks the status of all staff members' WWCC clearances and provides notifications to Staff whose WWCC clearances will expire during the month prior to their expiry date.

The WWCC records must be updated with a new verification no later than five working days after the expiry date for each staff member's WWCC clearance.

The Paid Staff WWCC register and the process for maintaining and monitoring it are evidence of the School's maintenance of WWCC records. Records must be readily available if required for audit and monitoring purposes.

As a Child Safeguarding records, the School retains the Staff WWCC register indefinitely.

## **2. Volunteers**

Prior to the commencement of any volunteer work for the School, relevant Volunteers must provide their WWCC Number to the School and hold a valid WWCC clearance.

Using the School's Office of the Children's Guardian WWCC employer log in, the Principal and/or Office Administrator are responsible for the initial verification of relevant Volunteers' WWCC clearances.

Each month, the Principal and/or Office Administrator review the in the Volunteer's file and front office register. If the volunteer does not have a file, one is created. to determine whether any relevant Volunteers' WWCC clearance are due to expire within the following month.

Results of the verification process are recorded in the in the Volunteer's file and front office register. If the volunteer does not have a file, one is created.. As a Child Safeguarding record, the School retains the in the Volunteer's file and front office register. If the volunteer does not have a file, one is created. indefinitely.

## **3. Statutory Declarations and Undertakings**

The Principal is responsible for ensuring that those workers who are required by the School to provide a Statutory Declaration and Undertaking instead of a WWCC clearance comply with these requirements.

The Statutory Declaration and Undertaking form can be found N/A.

These records are considered to be part of the School's WWCC records, and it is the Principal's responsibility to document the provision of these documents.

## **Record Keeping about Information Sharing**

The School must record the following information when sharing, or responding to a request to share, information about the safety, welfare and wellbeing of a student (Information):

- who requested the Information and the date of the request (if any)
- who shared the Information
- why the Information was shared (e.g. whether it was shared pursuant to a statutory or other legal obligation)
- who the Information was shared with
- whether informed consent was sought from, and if so whether it was provided by, the student and/or their parent/carer
- the approval of the Information Sharing Manager to share the Information
- the date that the Information was shared.

Whenever a request for Information is made to the School or the School otherwise shared Information, the person managing the Information sharing request or disclosure must record the above information in our currently under development.

All records created in accordance with [Sharing Information Relating to Students' Wellbeing](#) are maintained by the Principal and located Student files.

These records are maintained indefinitely. Records relating to information sharing about child safety incidents or concerns are only disposed of in accordance with our Record Keeping/Management Policy.

For more information, refer to [Information Sharing Record Keeping](#).

## **Other Child Safeguarding Human Resources Management Records**



It is the responsibility of the James Le Huray, Principal to record and maintain (electronically or hard copy format) all records relating to child safeguarding human resources management, including records in relation to:

- recruitment
- screening and suitability assessment
- supervision, performance monitoring and development
- personnel files.

Through the School's staff learning system CompliLearn, the School also creates and maintains electronic records of all child safeguarding training completed by Staff and relevant Volunteers and Contractors.

The School maintains these records for at least 50 years.

For more information, refer to [Child Safeguarding Human Resources Management](#).

## **Recording Other Child Safeguarding Actions**

Section 6F of the Civil Liability Act 2002 (NSW) imposes a duty of care on the School, as a child-related organisation, to take reasonable precautions to:

- prevent an individual associated with the School,
- from perpetrating physical or sexual abuse of a child,
- in connection with the School's responsibility for the child.

If the victim of physical or sexual abuse alleged to have occurred at the School or to have involved School Staff, Volunteers or Contractors, brings a negligence claim against the School, a court will presume that the School breached its duty of care unless the School can prove that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law.

It is critical that the School maintains accurate and comprehensive records not only of child safety incidents and concerns involving School Staff, Volunteers and Contractors, but also of:

- actions taken in response (including systemic reviews and resulting improvements)
- at least annual reviews of and improvements to our child safeguarding policies, procedures, work systems and strategies

as these could be required as evidence in relation to possible future negligence claims against the School for damages in respect of child physical or sexual abuse.

The following records may assist in demonstrating reasonable precautions taken by the School to prevent the physical or sexual abuse of its students:

- records that document actions taken by the School in response to specific child safety incidents and concerns (refer to **Documenting the Child Safety Incident or Concern and the School's Response and Reportable Conduct Records**, above)
- records that document the child safeguarding training provided to and completed by Staff and relevant Volunteers and Contractors (refer to [Child Safeguarding Training](#))
- records that document the implementation of the School's [Child Safeguarding Risk Management](#) strategies
- records that document reviews and improvements of our child safeguarding policies, procedures, work practices and systems (refer to [Regular Reviews and Continuous Improvement](#)).

The School maintains these for at least 50 years.