

Procedures for Managing Child Safety Incidents or Concerns at or Involving the College

Introduction

Complaints about “child safety incidents or concerns” that are alleged to have occurred on College premises or at College events are managed in a different way to other complaints received by the College. These kinds of complaints are instead managed using the same procedures that we use for managing incidents or internal reports about this kind of behaviour.

This is because these kinds of incidents, complaints, allegations, or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues.

For the purposes of this policy, we use the terms “staff” and “staff member” to include all teaching and non-teaching staff, College Council members, volunteers, contractors, and external providers.

Definition of Child Safety Incident or Concern

We call any behaviour that may:

- place a student “at risk of significant harm”, as defined in the Children and Young Persons (Care and Protection) Act 1997 (NSW)
- be, or place a student at risk of being the victim of, a “child abuse offence”, as defined in the Crimes Act 1900 (NSW)
- be “reportable conduct” by a staff member, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)
- be other “staff misconduct”, as defined in our Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct
- be a breach of our Child Safe Codes of Conduct

a “child safety incident or concern”.

It does not matter whether the behaviour is by a staff member, another student, a parent/carer, or any other person on College premises or at College events.

Breaches of the Child Safe Codes of Conduct

The McDonald College requires that all staff members, parents/carers, visitors, and other adults in the College community comply with our child safe Parent Charter.

Staff members must also comply with our Staff and Student Professional Boundaries policy.

Students must comply with our Student Code of Conduct.

Any breach of these Child Safe Codes of Conduct is considered a child safety incident.

“Risk of Significant Harm” and “Child Abuse Offences”

Our Child Safe policies set out the different definitions and key indicators of “risk of significant harm” and “child abuse offences”. The following is covered by these definitions and indicators:

- sexual abuse
- grooming and online grooming
- physical abuse
- significant emotional or psychological harm
- significant neglect.

In addition to family members, other adults associated with a student can subject the student to these behaviours, including staff members, other students and other people associated with the College.

Staff Misconduct and Reportable Conduct

Staff Misconduct

“Staff misconduct” is conduct by a staff member that:

- breaches the College’s Code of Conduct or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally, or emotionally abusive
- endangers the safety or wellbeing of students or others at the College.

Reportable Conduct

The Children’s Guardian Act defines “reportable conduct” as including:

- any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material), including grooming behaviours
- any assault, ill-treatment, or neglect of a child
- any behaviour that causes significant emotional or psychological harm to a child.

Conduct by staff members that is reasonable in the circumstances or that is accidental is not reportable conduct.

Child Safety-related Complaints

It is critical that the broader College community tells us about all child safety incidents or concerns that occur at or otherwise involve the College. This enables the College to ensure the safety and wellbeing of students and to comply with its legislative reporting obligations.

We call reports made to the College about child safety incidents or concerns at or involving the College or its staff members a “*child protection/child safety/child safeguarding*-related complaint.”

Making a Child Safety-related Complaint to the College

If you would like to make a child safety-related complaint, you can do so by:

1. Sending an email to the Principal, principal@mcdonald.nsw.edu.au
2. Writing a letter to the College addressed to
The Principal, The McDonald College,
17 George Street, North Strathfield 2127.
3. Calling the College on 02 9752 0500 and asking to speak to the Principal.

If the Principal is the subject of your complaint or allegation, please contact the Chair of the College Council, chairofcouncil@mcdonald.nsw.edu.au

Investigating and Managing Child Safety-related Incidents and Complaints

Immediate Actions

Depending on the nature of the incident, complaint, allegation, or concern, after receiving the internal report or the child safety-related complaint, the College will – if required by law or by our *Child Safe policies and procedures – report the matter to the Department of Communities and Justice (DCJ), the Police, the Children’s Guardian and/or other relevant external agencies.

The College will conduct an initial risk assessment in consultation – if an external report has been made – with the Police or DCJ – to identify and mitigate any ongoing risks to student safety and wellbeing.

The College will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern, or complaint. In particular, we ensure that they are informed about advocacy and support services that may be available to assist them.

The Internal Investigation

The College will then conduct an internal investigation of the incident or complaint, led by the Principal or an external investigator.

However, if DCJ or the Police are investigating the alleged conduct, that investigation takes precedence, and the College's investigation will only proceed with their permission.

When conducting the internal investigation, the College follows the National Office of Child Safety's [Complaint Handling Guide: Upholding the Rights of Children and Young People](#). The flowchart in the appendix sets out how these procedures work.

All internal investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know.

Investigating and Managing Behaviour by a Student Against Another Student

Responding to this kind of child safety-related incident or complaint involves considering the College's duty of care both to any student who is a victim and to the student who is the alleged perpetrator, as well as to other students.

The Principal will follow our student discipline policies for these investigations.

Investigating and Managing Behaviour by Non-Staff Members on College Premises or at College Events

Where the child safety incident, or the child safety-related complaint, involves behaviour by a person who is neither a current or former College student nor a current or former staff member (for example, they are a parent /carer or a visitor whose behaviour occurs on College premises or at a College event), the College's investigation is generally limited.

It may involve only the risk assessment and a subsequent review of our systems, policies, and procedures to ensure the future safety and wellbeing of our students.

Investigating and Managing Complaints About Staff Misconduct and Reportable Conduct

Our Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct, available on our public website, explain how the College investigates and manages these kinds of child safety-related complaints.

Record Keeping About Investigations

Records are kept at each step of the investigation process, including:

- records received or created during investigations (such as notes of interviews and documents received)
- records of findings
- records of actions proposed and taken.

These are kept in a safe and secure location.

Reviews of Investigation Procedures and Outcomes

Internal Reviews

Staff members, students and parents/carers of students who are involved in the child safety-related complaint and who are not satisfied with an internal investigation, or its outcome may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken; and/or
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal, principal@mcdonald.nsw.edu.au

External Reviews for Overseas Students

If an overseas student is not satisfied with the outcome of the College's internal investigation, they may lodge an external appeal through the Overseas Students Ombudsman (OSO), which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free. The contact details for the OSO are as follows:

Email: ombudsman@ombudsman.gov.au

Call: 1300 362 072 within Australia. Outside Australia, call +61 2 6276 0111.

Enquiries: 9:00am to 5:00pm, Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect).

Postal: Commonwealth Ombudsman, GPO Box 442 Canberra ACT 2601.

Website: <https://www.ombudsman.gov.au/complaints/international-student-complaints>

The McDonald College agrees to be bound to the OSO's recommendations and will ensure that any recommendations made are implemented within 30 days of receipt of the report.

Disclosing Information to the College Community

The College will consult with any relevant external agencies (such as DCJ or Police) to determine when, what, and by whom information can be shared.

Sharing Information With Parents/Carers and Students

The parent/carer of a student who is an alleged victim of a child safety-related complaint or any child safety incident or concern occurring at or involving the College has a legitimate interest in being told that their child is an alleged victim and of the nature of the incident, complaint, or allegation.

The parent/carer and student also have a legitimate interest in being informed of the process, progress, and findings of any investigation and of any action that might be taken after the investigation is completed.

However, special issues may arise that require an adjustment to normal information sharing practices. Legal impediments may impact the timeliness of disclosing information, the type or amount of information that is disclosed and to whom the information is disclosed, particularly in the case of incidents or allegations of staff misconduct and reportable conduct.

Sharing Information With the Wider College Community

The College takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a child safety-related complaint, before providing any information about it to the wider College community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim.

Information that may identify the victim of the incident, concern or complaint will not be shared with the wider College community without the consent of the victim and/or their parent/carer.

Where to Find More Information

For more information about our policies and procedures relating to the College's management of child safety incidents or concerns occurring at or involving the College or its staff members, child safety-related complaints, or complaints handling generally, please contact Principal.

Complaint Handling:

Upholding the rights of children and young people (an overview)

