

Section 2: Responsibilities of employees

E-learning readings



Child protection awareness training

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Introduction

Your responsibilities as an employee are clearly defined by NSW Department of Education policy and it is essential that you know what your responsibilities are with respect to the safety, welfare and wellbeing of children and young people.

This section will:

- explain your responsibility to report concerns about possible risk of harm to a child or young person to your principal, TAFE or AMES counsellor, or workplace manager so that they can determine whether a report needs to be made to Family and Community Services
- explain your responsibility to pass on allegations about possible misconduct of other employees.
- explain how reports and notifications are made and where to get support and advice to help you in this role.

Identifying and reporting risk of harm

As an employee working with children and young people, you are in a position to observe their safety, welfare or wellbeing. Because you are in a position of trust, a child or young person may also choose to disclose to you that they are being mistreated. Keep in mind that siblings and other children in the home, especially babies or young children, may also be at risk and need to be reported.

Your role is to:

- be aware of the indicators of risk of harm
- report your concerns about risk of harm to your principal, workplace manager, TAFE or AMES counsellor
- fulfil your duty of care to children and young people, within your role
- provide support to children and young people, as appropriate to your role
- plan for a safe environment in all relevant activities
- participate in relevant child protection training.
- ensure you understand your responsibilities towards children and young people as set out in the [Code of Conduct](#)

Indicators of risk of harm

Recognising indicators of risk of harm and knowing what to do if you have concerns about the safety, welfare or wellbeing of children and young people enable you to respond confidently and effectively when situations arise.

Circumstances that indicate risk of harm:

- 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
- the child or young person is at risk of educational neglect
- 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 and the parent has behaved in such a way that the child may be at risk of harm after his or her birth

How do you decide if you need to report risk of harm?

Keep the following points in mind:

- you must have current concerns for the safety, welfare and wellbeing of a child or young person
- the circumstances of risk of harm must be present (refer to previous page)
- while the Act does not make it mandatory for you to report suspected risk of significant harm to young people (age 16 and 17) to Family and Community Services, the NSW Department of Education requires all staff to report to their principal, workplace manager or TAFE or AMES counsellor who will determine if a report needs to be made to Family and Community Services.

The [Mandatory Reporter Guide](#) and the Department's Child Wellbeing Unit can also assist you in making decisions about what needs to be reported to Family and Community Services.

How do you make a report?

If you have reasonable grounds to suspect risk of harm to a child or young person tell your principal, TAFE or AMES counsellor, or workplace manager.

It is the role of the principal, TAFE or AMES counsellor, or workplace manager to make a formal report to Family and Community Services if they believe there is suspected risk of significant harm. You will be required to provide them with all the relevant information to assist in that process.

If you are unsure about your grounds for concern, discuss this confidentially with your supervisor, principal, workplace manager, TAFE or AMES counsellor, or the Child Protection Helpline.

Responding to allegations about the conduct of employees

When responding to allegations about the conduct of employees, you need to ask yourself the following questions to decide if the complaint must be reported to your principal, workplace manager or TAFE or AMES counsellor:

- Does the allegation involve an employee?
- Does it involve conduct towards a child or young person enrolled in a NSW Department of Education school or TAFE college?
- Is it a possible breach of discipline (remember the [Code of Conduct](#) sets out expectations of all employees)?
- Are there concerns about risk of harm as a result of the alleged conduct?

In any situation, if you have answered 'yes' to the first three questions, you must report it to your principal, workplace manager or TAFE or AMES counsellor, who will report the matter to the Employee Performance and Conduct Directorate. If the concerns relate to the conduct of the principal, workplace manager or TAFE or AMES counsellor, individual employees should make this report themselves.

If you have also answered 'yes' to the fourth question then a report to Family and Community Services may be required. Your principal, workplace manager or TAFE or AMES counsellor will determine whether this is necessary and if so, will make the report.

What is reportable conduct?

The Employee Performance and Conduct Directorate decides whether an allegation against an employee is reportable to the NSW Ombudsman. There are clear definitions regarding what is acceptable and unacceptable conduct towards children and young people. It is essential that you understand the professional boundaries regarding your conduct and the conduct of others.

Reportable conduct under the NSW *Ombudsman Act 1974* includes:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence)
- any assault, ill-treatment or neglect of a child or young person
- any behaviour that causes psychological harm to a child or young person, whether or not, in any case, with the consent of the child or young person.

What is not reportable conduct?

For the purposes of the NSW Ombudsman Act 1974, reportable conduct does not extend to conduct that is reasonable for the purposes of the discipline, management or care of children or young persons, having regard to their age, maturity, health or other characteristics and to any relevant codes of conduct or professional standards.

Examples of conduct that would not constitute reportable conduct include touching a child or young person in order to attract their attention, to guide a child or young person or to comfort a distressed child or young person, a teacher raising their voice in order to attract attention or to restore order in the classroom, and conduct that is established to be accidental.

It is also important to understand your responsibility to notify your principal, TAFE or AMES counsellor, or workplace manager about any concerns, complaints or allegations about the conduct of other employees towards children and young people.

Reporting allegations about the conduct of employees

You convey the allegations or concerns to the school principal, TAFE or AMES counsellor, or workplace manager.

It is the role of the principal, TAFE or AMES counsellor, or workplace manager to notify the Employee Performance and Conduct Directorate of all allegations of a child protection nature involving an employee and a child or young person or any Department school student even if over 18.

A decision also has to be made if a report to Family and Community Services is required, that is, if the alleged actions or failure to act by the employee gives reasonable grounds to suspect that the child or young person is at risk of significant harm.

The Employee Performance and Conduct Directorate determines the appropriate response required for all notifications of allegations of a child protection nature against employees and if required, reports to the Ombudsman and the Office of the Children's Guardian on behalf of the NSW Department of Education and Communities. If a report to Family and Community Services, a Joint Investigation Response Team (JIRT) or police is made, the Employee Performance and Conduct Directorate will liaise with these agencies when responding to the notification.

The response by the Employee Performance and Conduct Directorate will either be Enquiry (no further action by the Employee Performance and Conduct Directorate is required and the principal or workplace manager will resolve the concern or complaint), Local Management (the principal or workplace manager collects information and reports the outcome to the Employee Performance and Conduct Directorate) or Investigation (an Employee Performance and Conduct Directorate Investigator will conduct a fact finding investigation).

If the response is either a local management or investigation the employee is informed of the complaint or allegation and has an opportunity to give their account and is also informed of what support is available.

For further information about the procedures for dealing with allegations, refer to section 7 in [Responding to Allegations against Employees in the Area of Child Protection 2004](#).

A child-focused response to disclosure

If a child or young person discloses directly to you that he or she is being abused, it is important:

- to listen to the child or young person and acknowledge that it is hard to talk about what is happening to him or her
- to be aware of the child or young person's cultural and linguistic background and how this might impact on disclosure
- to be aware of your own emotions in relation to what the child or young person is telling you, and keep those emotions under control
- to be prepared to listen and support a child or young person when he or she tells you about an event or behaviours that indicate risk of harm
- to use a calm reassuring tone and talk at the child or young person's level
- to tell the child or young person you believe him or her
- not to make promises you cannot keep - especially that you won't tell anyone
- to offer support to the child or young person
- to avoid expressing doubt, judgment or shock.

There are some important messages that you need to give the child or young person at the time of disclosure. They are:

- that it is not his or her fault - it is never the child or young person's fault
- that it was right to tell - "I am glad you told me"
- that other children have been in this situation - he or she is not alone
- that it is not acceptable for adults to harm children or young people - no matter what.

It is also important to tell the child or young person that you will need to talk to other people whose job it is to help children and young people to be safe.

(Source: *NSW Child Protection Council* 1998 in Cameron and West, 2001)

Acting on suspicion

If you suspect abuse, but the child or young person has not disclosed to anyone, you need to be aware that the child or young person may be experiencing emotional distress. You need to approach the child or young person in a caring and sensitive way and assure him or her that you are willing to listen and to help if there is a problem.

Responding to your belief that harm to a child or young person has occurred, or that there is a risk of harm, can be the first important step in stopping the harm and preventing further harm from occurring.

Remember your role

To minimise the effects of abuse, a child or young person needs:

- adults to intervene, as required by legislation, to help the abuse to stop
- specific sources of support: people who are available in a practical way
- people who understand his or her behaviour
- people who respect his or her rights and will attend to his or her needs
- help to see that he or she is not to blame
- opportunities to safely express his or her feelings and make sense of things
- optimism about his or her future
- information sharing, allowed under law, and collaboration between the school and other services to promote consistency in service provision.

Remember

All employees are entitled to support and advice from their supervisor in fulfilling their responsibilities in the area of child protection in an ethical and confidential manner. Do not hesitate to ask for any assistance that you require.