

*Liberty*

# **Child Safety Policy**

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# 1 Introduction

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## 1.1 Commitment to Child Safety

*"`Love the Lord your God with all your heart and with all your soul and with all your mind.' This is the first and greatest commandment. And the second is like it: `Love your neighbour as yourself.' All the Law and the Prophets hang on these two commandments." Matthew 22:37-40*

Our love for our neighbours is shown in many ways, through both our attitudes and deeds.

There are also situations and circumstances that require a higher level of sensitivity to the needs of the neighbours involved. Situations of special trust or those involving neighbours that possess characteristics, such as children and young people, that make them more vulnerable require a greater degree of care and prayer. As a Christian community we also have a responsibility to hold each other accountable for loving one other. Those involved in leadership must also be aware of and discharge their responsibilities as leaders for this task.

While focussing upon a number of specific areas in which we demonstrate our love for our 'neighbours' this document is not intended to detract from the importance of the broad commandment. Our love should be reflected in all we do. Laws, policies or guidelines cannot change the heart, and our love for our neighbours can only truly result from a heart that is overflowing with love for God.

Liberty Church Inc. ("Liberty") is committed to promoting the safety, welfare and wellbeing of all, especially children and young people. This commitment is of paramount importance to Liberty in our education and care of children and young people every day.

Liberty has zero tolerance for all forms of child abuse and neglect and any form of child and young person mistreatment.

Liberty is committed to providing a child safe environment where children and young people are safe and feel safe. This commitment is to all students in our care.

Every employee, contractor and volunteer ("staff") involved in Liberty is expected to understand the important and specific role he/she plays in contributing to the promotion of the safety, welfare and wellbeing of children and young people at Liberty. This will ensure that safeguarding children and young people is at the forefront of all we do and every decision we make.

## 1.2 Child Safe Standards

The Child Safe Standards recommended by the Royal Commission provide a framework for making organisations safer for children. The Standards have been accepted by the NSW government and provide tangible guidance for organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.<sup>1</sup>

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<sup>1</sup> The NSW Office of the Children's Guardian has indicated that organisations in NSW that are implementing the National Principles for Child Safe Organisations will be simultaneously implementing the NSW Child Safe Standards.

NSW Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

Liberty is committed to embedding the Child Safe Standards at our premises. This policy, and expected practices outlined within, serves as one of several policies relevant to ensuring Liberty is implementing the Child Safe Standards at our church, school and other entities, and contributes to the establishment of a child safe organisation.

### **1.3 Purpose**

The purpose of the *Child Safety Policy* is to outline to staff the expectations in relation to safeguarding matters involving children and young people.

### **1.4 Scope**

This policy applies to all Staff engaged by Liberty, regardless of their role at Liberty. The term staff will be used throughout this policy document and is intended to capture all employees, contractors and volunteers engaged by Liberty.

Failure to comply with this policy will be viewed seriously by Liberty. For staff, a failure to comply with this policy may result in employment consequences, including termination, and for volunteers and contractors, a failure to comply with this policy may result in their ongoing engagement with Liberty to be reviewed.

## **2 Safeguarding Children and Young People**

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The term safeguarding is a broad concept that captures the proactive and preventative steps Liberty takes to protect, care and educate children and young people, as well as the steps we take to respond to child protection concerns that require statutory reporting and response. A child protection response is part of safeguarding that focusses on protecting individual children or young people identified as being at risk of significant harm from child abuse or neglect.

The safety, welfare and wellbeing of children and young people at Liberty is the responsibility of staff. This includes:

- fulfilling mandatory reporting obligations.<sup>2</sup>
- all staff having a duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen.

### Mandatory Reporting

The Children and Young Persons (Care and Protection) Act 1998 (CYP Act) establishes mandatory reporting obligations to the Department of Communities and Justice (DCJ) when a child is at risk of significant harm (ROSH). The CYP Act<sup>3</sup> defines a child or young person to be at risk of significant harm if a current concern<sup>4</sup> exists for the safety, welfare or wellbeing of the child or young person because:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met, or
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care, or
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW), or
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated, or
- 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, or
- a parent or other carer 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.

All staff at Liberty who either wholly or partly provide health care, welfare, education, education and care services, residential, or religious services to children are considered to be mandatory reporters.

The CYP Act states that a mandatory reporter must, when 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.

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<sup>2</sup> In line with the CYP Act and this Policy.

<sup>3</sup> Section 23.

<sup>4</sup> See section 2.3 below for definition.

## 2.1 Liberty Church Inc.

Liberty Church Inc. is the legal entity incorporated in New South Wales. The Senior Pastor of Liberty is the nominated President of the Incorporated body and hold the ultimate authority for the whole organization. Liberty operates two entities under its incorporation, namely

- Liberty Church, with oversight provided by the Church Eldership chaired by the Senior Pastor. Liberty Foodcare is a community food pantry operating under the community care functions of the church.
- Liberty Christian Primary School (also known as Liberty College) with Liberty Church Inc. recognized as the Approved Authority. The School Council is an advisory body reporting back to the Incorporated body and is chaired by the Senior Pastor and has the Principal as a nominated member.
- Responsible Persons of Liberty are the Senior Pastor for church matters and the Principal for school matters or their respective delegates.

## 2.2 Liberty Church

In general, the Responsible Person will determine if a concern is required to be reported to DCJ's Child Protection Helpline and, where necessary, NSW Police.

Prior to making a report to the DCJ Child Protection Helpline, a Responsible Person will use the Mandatory Reporter Guide (MRG) to help decide whether a child is suspected to be at risk of significant harm (ROSH) and therefore if a report should be made to the Child Protection Helpline.

Liberty takes a centralised reporting approach to concerns relating to the safety, welfare or wellbeing of children and young people. All concerns relating to the safety, welfare or wellbeing of a child or young person associated with Liberty should be reported to the Responsible Person.

The centralised reporting approach Liberty adopts, allows for the Responsible Person to:

- collect and hold information relating to a child or young person that may not reach the threshold of 'at risk of significant harm'.
- collate individual incidences or pieces of information relating to a child or young person that may amount to cumulative harm.
- have access to all necessary information and history of concerns relating to a child or young person when using the MRG and / or making a report to the Child Protection Helpline.
- co-ordinate and support the care and wellbeing of a child or young person, other children and young people involved or affected, and their families, regardless of whether a mandatory report is required or not.

The Responsible Person can then make a determination around reporting to DCJ, in consultation with the Principal if required.

### **2.3 Liberty Christian Primary School - The School**

In general, the Responsible Person will determine if a concern is required to be reported to DCJ's Child Protection Helpline and, where necessary, NSW Police.

Prior to making a report to the DCJ Child Protection Helpline, the Responsible Person will use the Mandatory Reporter Guide (MRG) to help decide whether a child is suspected to be at risk of significant harm (ROSH) and therefore if a report should be made to the Child Protection Helpline.

Liberty takes a centralised reporting approach to concerns relating to the safety, welfare or wellbeing of children and young people. That is, all concerns relating to the safety, welfare or wellbeing of a child or young person enrolled at Liberty Christian Primary School should be reported to the Responsible Person.

The centralised reporting approach Liberty adopts, allows for the Responsible Person to:

- collect and hold information relating to a child or young person that may not reach the threshold of 'at risk of significant harm'.
- collate individual incidences or pieces of information relating to a child or young person that may amount to cumulative harm.
- have access to all necessary information and history of concerns relating to a child or young person when using the MRG and / or making a report to the Child Protection Helpline.
- co-ordinate and support the care and wellbeing of a child or young person, other children and young people involved or affected, and their families, regardless of whether a mandatory report is required or not.

The Responsible Person can then make a determination around reporting to DCJ, in consultation with the Senior Pastor if required.

## 2.4 Staff

### Mandatory Reporting

If a staff member believes on reasonable grounds<sup>5</sup> that a child is at risk of significant harm, they must report this information to the Responsible Person, either the Senior Pastor (for church matters) or the Principal (for school matters) or their delegate and seek their advice on how to proceed.

The Responsible Person may report the information to DCJ. The staff member will be notified if Liberty makes a report to DCJ in relation to the concern they have raised so that they know their mandatory reporting obligations have been met. They will also be notified by the Responsible Person if the concern has not been reported to DCJ so that they can determine if they would like to report the information to DCJ in the event they believe the concern suggests a child is at risk of significant harm.

If a child or young person is in immediate danger and the Responsible Person is not contactable, staff should contact NSW Police on 000 if it is an emergency, and/or DCJ's Child Protection Line on 132 111. Following this, the staff member should advise the Senior Pastor as soon as possible.

Staff are not:

- to undertake any investigation of the matter.
- permitted to inform the parents or caregivers that a report has been made to DCJ and/or Police.

If a staff member makes a mandatory report to DCJ they are expected to inform a Responsible Person that they have done so, without delay and as soon as practicable.

Please note that relevant definitions of child abuse and neglect can be found below at the end of this section.

### Other Child Safety Concerns

As part of Liberty's overall commitment to safeguarding children and young people, all staff, regardless of their mandatory reporting status, are required to report any child safety concern or any other information relating to the safety, welfare or wellbeing of a child or young person (or a group of children and young people) to a Responsible Person where appropriate.

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<sup>5</sup> See section 2.5 of this policy for definition.

These concerns should be reported regardless of how serious or minor the employee perceives, assesses or interprets the information to be. That is, even if a staff member considers a concern not to be risk of significant harm (ROSH), the statutory threshold for reporting to the Child Protection Helpline, the concern should still be reported to a Responsible Person in line with this policy and the centralised reporting requirements outlined above at section 2.1. If an employee is unsure their information requires reporting, the employee should seek advice from a Responsible Person.

Information relating to the safety, welfare or wellbeing of children or young people may relate to settings other than at Liberty. Other settings may include the online environment or outside of Liberty's context including the child or young person's home.

A Responsible Person will be able to assist the staff member in understanding their concerns and managing the next steps, as appropriate, and clarifying their role in the particular matter.

Responsible and early sharing of information relating to the safety, welfare and wellbeing of children and young people is fundamental to Liberty's approach to safeguarding.

If the concern involves the Principal, a report should be made to the Senior Pastor, and likewise if the concern involves the Senior Pastor, then the report should be made to the Principal.

## **2.5 Definitions Relevant to Safeguarding Children and Young People <sup>6</sup>**

### **Neglect**

Neglect is when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.

Neglect can be episodic and related to a particular event in a family's life, or it can be persistent where the parent repeatedly fails to meet their child's needs and protect them from harm. Neglect can have serious, detrimental effects on the child's social, psychological, educational and physical development.

### **Sexual abuse**

Sexual abuse is any sexual act or threat impacting on a child, including unwanted sexual acts on a child over the age of consent (16 years old). Sexual abuse includes comments, physical contact, exposure to adult sexual activity and exposure to or involvement in sexual imagery.

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 or young

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<sup>6</sup> Further information relating to the definitions can be found at:  
<https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect>

people are bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse is a crime.

### **Physical abuse**

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person 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. The application of any unreasonable physical force to a child is a crime in NSW. For example, hitting a child or young person around the head or neck, or using a stick, belt or other object to discipline or punish a child or young person (in a manner that is not trivial or negligible) may be considered a crime.

### **Emotional abuse or psychological harm**

Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological 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 or young person.

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

### **Family violence**

Family violence often includes multiple forms of abuse, such as physical, sexual and emotional. Emotional abuse is connected to family violence when a child has been, or is being exposed to the violence and that exposure has, is or would cause them significant harm. This exposure includes:

- seeing the violence,
- hearing the violence,
- seeing the consequences of family violence such as property damage, injuries to those involved including the emotional impact on the victim, or Police visiting the home.

## **Reasonable grounds**

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

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

It does not mean that there needs to be confirmation of proof before making a report.

## **Current Concerns**

Current concerns are when there is significant harm arising from abuse or neglect that:

- is recent,
- is likely in the foreseeable future should circumstances continue unchanged,
- is from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past,
- refers to situations where the abuse or neglect of the child or young person occurred sometime in the past but continues to have an impact on the child or young person's safety, welfare or wellbeing.

## **Child**

A child means a person who is under 16 years old.

## **Young Person**

Young person means a person who is 16 years old or older, but not yet an adult.

## **Mandatory Reporters**

Mandatory reporters include persons who:

- hold a management position in Liberty, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services, residential or religious services, to children.

The Senior Pastor and the Principal are considered to have direct responsibility in Liberty Church and Liberty Christian Primary School respectively.

- in the course of their employment, wholly or partly, deliver services including health care, welfare, education, children's services (education and care), residential or religious, to children; or

### 3 The Reportable Conduct Scheme

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The Children Guardian's Act 2019 (CG Act) establishes the reportable conduct scheme in NSW.

The Office of the Children's Guardian (OCG) has oversight of the reportable conduct scheme in NSW.

The reportable conduct scheme is focused on both preventing and responding to abuse of children by employees in certain organisations [relevant entities]. This includes paid employees, volunteers and contractors delivering services to children.

The reportable conduct scheme is allegation based. The threshold for making a notification to the Office of the Children's Guardian is that a reportable allegation<sup>7</sup> has been made. That is, there is an allegation that a staff member has engaged in conduct that may be reportable conduct or that they are the subject of a conviction that is considered a reportable conviction<sup>8</sup>. A reportable conviction<sup>9</sup> 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.

#### **Reportable Conduct<sup>10</sup>**

Reportable conduct includes:

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

#### **Child**

A child is any person aged under 18 years old at the time the alleged conduct occurred. It is important to note, that this could include children who are associated with the Liberty community, not necessarily students of Liberty.

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<sup>7</sup> Section 18 of the CG Act.

<sup>8</sup> Section 19 of the CG Act.

<sup>9</sup> Section 19 of the CG Act.

<sup>10</sup> Section 20 of the CG Act.

## What is not reportable conduct<sup>11</sup>

Reportable conduct does not include:

- conduct that is reasonable for the purposes of discipline, management or care of a child, having regard to:
  - the age, maturity, health or other characteristics of the child, and
  - any relevant code of conduct or professional standard.

An example would be a school teacher raising his or her voice in order to attract attention or restore order in a classroom.

- the use of physical force if in all the circumstances, the physical force is trivial or negligible and the circumstances in which it was used have been investigated and records kept.

Examples include:

- touching a child in order to attract the child's attention,
  - momentarily restraining a child to prevent the child hurting themselves or others,
  - touching a child to guide or comfort the child.
- conduct of a class or kind exempted from being reportable conduct by the Children's Guardian under section 30.

### 3.1 The School

#### Reporting and Investigation Obligations

Liberty must notify reportable allegations or convictions relating to child-related misconduct by a staff member to the OCG.

The Responsible Person must notify the OCG within 7 business days of becoming aware of a reportable allegation or conviction against a Liberty staff member. This will be done by submitting a 7 Day Notification Form located on the OCG website.

It is important to note that Liberty must notify the OCG about reportable allegations and convictions against staff members that arise in the course of a staff member's work as well as reportable allegations and convictions relating to alleged conduct that occurred outside of business hours or outside of Liberty related activities.

Liberty will then, as soon as practicable, conduct an investigation into the reportable allegation or conviction or will engage a third-party investigator to conduct the investigation on its behalf. The investigation will be completed within a reasonable time, having regard

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<sup>11</sup> Section 41 of the CG Act.

to the principles of procedural fairness and the mandatory considerations outlined in the CG Act.<sup>12</sup>

Liberty Church is a fellowship associated with Australian Christian Churches and is able to access their Child Protection support and resources.

Liberty Christian Primary School, as a member school of Christian Schools Australia, has subscribed to CSA's Staff Relations Services Plus program and is therefore able to consult with their designated consultants to provide advice and support for matters relating to Child Protection.

The Responsible Person will, by 30 calendar days after they becomes aware of the reportable allegation or conviction, provide either a finalised entity report<sup>13</sup> or an update<sup>14</sup> on the investigation to the OCG.

The Responsible Person will make a finding at the end of the investigation. The Responsible Person will make a decision regarding what action, if any, is required in relation to the staff member, the child/children or any other parties who may have been involved in the investigation.

If the reportable allegation or conviction involves the Principal, the matter will be directed to the Senior Pastor and the Liberty Church Inc. Board, and likewise if the concern involves the Senior Pastor, then the report will be directed to the Principal.

If the reportable allegation or conviction involves the Senior Pastor, the matter will then be handled by the Liberty Church Inc. Board and referred to the State Executive of NSW Australian Christian Churches.

### Other Agency Reporting Obligations

A responsible Person, upon receipt of a reportable allegation or conviction, must also consider what other reporting obligations may be required in relation to the information.

Some reportable allegations also require reporting to:

- NSW Police
- DCJ.

If NSW Police and/or DCJ make inquiries in relation to the information received, those inquiries take priority over the reportable conduct investigation required by Liberty. As such, the reportable conduct investigation will not progress until clearance from NSW Police and/or DCJ has been received.

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<sup>12</sup> Division 6 of the CG Act.

<sup>13</sup> [Entity Report Form \(nsw.gov.au\)](https://www.nsw.gov.au/entity-report-form)

<sup>14</sup> [30-Day Interim Report Form \(nsw.gov.au\)](https://www.nsw.gov.au/30-day-interim-report-form)

Liberty will also consider other agencies, for example NSW Education Standards Authority (NESAs), who may require notification in relation to the reportable allegation or conviction and may seek appropriate advice as to the Liberty's requirement to notify other agencies.

### Managing Risk in Reportable Conduct Matters

The Responsible Persons, in the first instance the Senior Pastor, will be responsible for managing risk to the relevant parties associated with a reportable conduct matter. These include, but are not limited to:

- The child or group of children identified as the alleged victims
- Other children or young people
- The staff member subject of the allegation
- Other parties to the alleged incident (such as witnesses or reporters)
- The investigation
- The church and the school.

A Responsible Person will conduct a risk assessment for each of the identified relevant parties in the reportable conduct matter and will document the risk assessments. These risk assessments will be conducted:

- at the time of receiving the reportable allegation
- during the investigation, or as appropriate, to ensure they consider and, where appropriate, adjust the investigation, as new information becomes known, and
- at the conclusion of the investigation.

A Responsible Person is also expected to review and update risk assessments for the relevant parties to the investigation as and when new information comes to light during the course of the investigation, particularly when that new information changes the risk to any of the relevant parties involved.

Risk assessments must be documented and kept on the investigation file and are to be included in the information provided to the OCG to demonstrate that Liberty is managing risk.

Please note, the Responsible Person's decision to take action on the basis of a risk assessment is not suggestive of a finding. For example, if a staff member is asked to take leave or is suspended from duties for the duration of the investigation, this decision does not suggest a finding has been made. This decision is a decision based on an assessment of risk to all parties involved.

## Other Obligations

The Senior Pastor is also required to:

- ensure systems are in place for preventing, detecting and responding to reportable allegations or convictions at Liberty.
- provide information about the allegation, the progress of an investigation, the finding and action taken to the alleged victim and their parent/carer unless the Senior Pastor considers that it is not in the public interest to do so.
- provide required information to the OCG under relevant provisions of the Act.
- ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation.
- advise staff that the OCG Reportable Conduct Directorate will consequently report internally to the WWCC Directorate in relation to investigations that result in sustained findings of sexual misconduct, a sexual offence or a serious physical assault.<sup>15</sup>

### **3.2 Staff**

Any information about a staff member who may be engaging in conduct that is considered inappropriate<sup>16</sup> or conduct that may amount to a reportable allegation must be reported to a Responsible Person. Regardless of the veracity of the information, this information must still be reported to a Responsible Person. It does not matter if there is uncertainty about the substance of the information, whether the information is reliable or how the information came to light.

Staff must also report to a Responsible Person when they become aware that a staff member has been charged with, or convicted of, an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct.

Staff must disclose to a Responsible Person if they have been charged or convicted of an offence. This self-report should be made without delay.

If a reportable allegation is raised against the Principal, a report should be made to the Senior Pastor, and likewise if a reportable allegation is raised against the Senior Pastor, then the report should be made to the Principal.

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<sup>15</sup> [Making Finding Reportable Conduct.pdf.aspx \(nsw.gov.au\)](#)

<sup>16</sup> Inappropriate includes behaviours outside the expectations stipulated in the school's code of conduct or behaviour that poses risk to a student (regardless of their age), children, young people or the employee.

### 3.3 Stakeholders (Non-Staff)

A stakeholder is any student, parent, guardian or member of the community.

A stakeholder may make a complaint about a staff member who may be engaging in conduct that is considered inappropriate<sup>17</sup> or conduct that may amount to a reportable allegation.

This complaint must be reported to a Responsible Person, verbally or in writing. Notice of receipt of complaint shall be given in writing to the complainant.

The Responsible Person will apply the guidelines of this policy, specifically Section 3 Reportable Conduct Scheme, to determine the nature of the complaint and any action to be taken.

The Responsible Person will inform the complainant in writing of their determination and action.

If the complaint is raised against the Principal, it should be made to the Senior Pastor, and likewise if a complaint is raised against the Senior Pastor, then it should be made to the Principal.

The Board of Liberty Church Inc. will be informed of the complaint and the determination of the Responsible Person.

### 3.4 Definitions Relevant to Reportable Allegations and Convictions

#### Staff<sup>18</sup>

The reportable conduct scheme applies to all staff members, namely:

- an individual employed by, or in, Liberty.
- a volunteer providing services to children.
- a contractor engaged directly by Liberty (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with the school.
- a person engaged by a religious body where that person holds, or is required to hold, a Working with Children Check for the purposes of their work with the religious body.

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<sup>17</sup> Inappropriate includes behaviours outside the expectations stipulated in the school's code of conduct or behaviour that poses risk to a student (regardless of their age), children, young people or the employee.

<sup>18</sup> Section 16 of the CG Act.

### **Sexual offence<sup>19</sup>**

Sexual offence means 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.

Examples of sexual offences:

- sexual touching of a child,
- a child grooming offence,
- production, dissemination or possession of child abuse material.

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 for the purposes of the reportable conduct scheme.

### **Sexual Misconduct<sup>20</sup>**

Sexual misconduct means conduct with, towards or in the presence of a child that is sexual in nature, but is not a sexual offence.

Examples of sexual misconduct:

- 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.

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<sup>19</sup> Section 21 of the CG Act.

<sup>20</sup> Section 22 of the CG Act.

### **Ill-treatment<sup>21</sup>**

Ill-treatment of a child means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment:

- making excessive or degrading demands of a child,
- a pattern of hostile or degrading comments or behaviour towards a child,
- using inappropriate forms of behaviour management towards a child.

### **Neglect<sup>22</sup>**

Neglect of a child means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by

- a person with parental responsibility for the child, or
- an authorised carer of the child, or
- an employee, if the child is in the employee's care.

Examples of neglect:

- failing to protect a child from abuse,
- exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing.

### **Assault<sup>23</sup>**

Assault means the intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault:

- hitting, striking, kicking, punching or dragging a child,
- threatening to physically harm a child.

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<sup>21</sup> Section 23 of the CG Act.

<sup>22</sup> Section 24 of the CG Act.

<sup>23</sup> Section 25 of the CG Act.

## 4 Working with Children Check Scheme

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The Child Protection (Working with Children) Act 2012 (WWC Act) and the Child Protection (Working with Children) Regulations 2013 underpins the Working with Children Check Scheme (WWCC) in NSW. The WWCC Scheme aims to protect children by:

- precluding certain individuals from engaging in child-related work, and
- requiring individuals engaged in child-related work to have working with children check clearances.

The Office of the Children's Guardian (OCG) administrates the WWCC Scheme. The WWCC Scheme is one of a number of ways Liberty builds a safe environment for children.

A WWCC involves a national criminal history check through the Australian Criminal Intelligence Commission and NSW Police as well as data held by the OCG based around adverse findings of workplace misconduct involving children.

The OCG is responsible for determining if a person is granted a WWCC clearance or refused a WWCC clearance.

In NSW certain individuals who work or volunteer in child related work are required to have a WWCC application or clearance.

### 4.1 Liberty Church Inc.

Liberty has legal obligations under the WWC Act and in relation to employing or engaging people to work with children.

It is against the law for Liberty to employ or engage anyone in child-related work without a WWCC.

The Senior Pastor or their Delegate will:

- verify an employee's WWCC number online. This includes verifying:
  - new workers or volunteers,
  - a renewed WWCC, updated after five years.
- keep centralised records of staff members who require a WWCC and when they were verified.
- remove a staff member from child related work who has a WWCC status that is barred, interim barred, or whose WWCC cannot be found or has expired.

Not all individuals who work or are engaged at Liberty are considered to be in child-related work and therefore are not eligible for a WWCC. In these circumstances Liberty will take any appropriate action to ensure the safety of children under this policy.

### 4.2 Staff

It is against the law for an individual to work or engage in child-related work without a valid WWCC clearance.

Staff must:

- hold and maintain a WWCC clearance.
- immediately inform the Senior Pastor of any changes to their WWCC clearance or status.<sup>24</sup>
- not engage or work in any child-related activities if they have an interim bar, cancelled or an expired WWCC clearance.
- ensure Liberty and the OCG have their most current contact details.

All staff, regardless of their role or relationship with Liberty are required to read, be aware and follow the expectations of Liberty as detailed in Liberty's code of conduct or any other relevant policies.

If a staff member has any questions or require additional information regarding any part of this policy, they are to speak with a Responsible Person as a matter of priority.

#### **4.3 Definitions Relevant to the Working With Children Scheme<sup>25</sup>**

##### **Working With Children Check Clearance**

A Working With Children Check Clearance is authorisation granted by the OCG to an adult applicant that then allows them to apply for and engage in child-related work. A WWCC clearance is valid for 5 years unless it is cancelled or surrendered.

##### **Cancellation of clearance**

The OCG must cancel an individual's WWCC if the OCG becomes aware the person is a *disqualified person* or becomes satisfied that the person poses a risk to the safety of children.

##### **Child**

A child is anyone under the age of 18 years.

##### **Child-related Work**

Child-related work includes employment at Liberty and where the role involves:

- direct contact with a child or children and that contact is a usual part of their role and more than incidental to their work

##### **Child-related Work Setting**

Child-related work settings include, but are not limited to:

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<sup>24</sup> This may include the OCG conducting a risk assessment, issuing an interim bar, a bar, or a WWCC expiring.

<sup>25</sup> Definitions have been obtained from the WWC Act and the OCG website [I'm an employer - NSW Office of the Children's Guardian](#).

- children’s health services
- clubs or other bodies providing services for children
- disability services
- early education and childcare
- schools or other educational institutions and private coaching or tuition of children,
- sporting cultural or other entertainment venues used primarily by children and entertainment services for children
- religious services
- residential services, such as boarding houses or other residential services for children and overnight camps for children
- transport services including school bus services and taxi services for children with a disability and supervision of school road crossings.

### **Direct Contact**

Direct contact with children means:

- physical contact, or
- face to face contact.

### **Disqualified Person**

A disqualified person is an individual who has been convicted, or has proceedings against them for an offence which is listed in Schedule 2<sup>26</sup> of the WWC Act. The OCG cannot grant a disqualified person with a WWCC clearance.

### **Interim Bar**

An interim bar can be issued to an applicant or a person with a WWCC clearance if the OCG has determined that it is likely that there is a risk to the safety of children if the individual continues in child-related work. An interim bar can be in place for up to 12 months.

### **Risk Assessment**

A risk assessment, conducted by the OCG, is to determine whether an applicant or a holder of a WWCC clearance poses a risk to the safety of children.

## **5 Relevant Criminal Offences**

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Liberty wants employees to be aware of certain reporting expectations of all adults in NSW with regards to informing NSW Police of child abuse offences.

### **Failure to report a child abuse offence<sup>27</sup>**

All adults in NSW are required to report information to Police if they know, believe or reasonably ought to know that a child has been abused.

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<sup>26</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051#sch.2>

<sup>27</sup> Section 316A of the *Crimes Act 1900* NSW

A child under this section (s316A) of the Crimes Act 1900 is a person under the age of 18 years.

Failing to report information to Police without a reasonable excuse is an offence punishable by up to two years imprisonment. The penalty will be five years if the person has accepted any benefit in exchange for failing to report.

A reasonable excuse for not reporting maybe:

- if the victim is now an adult and doesn't want the offence reported, or
- if the offence has already been reported to the Child Protection Helpline, or
- if the person fears for their safety or another person's safety if they report.

If a staff member has a reasonable belief that a child has been abused, they must report this information to a Responsible Person as outlined above under section 2 'Mandatory Report' of this policy.

### **Failure to reduce or remove risk of a child becoming victim of child abuse<sup>28</sup>**

The Crimes Act 1900 requires people in authority to protect the child from the abuse where possible. This means an adult working in an institution in child-related work, with the power to reduce or remove the risk will commit an offence if they know another adult working there poses a serious risk of abusing a child and they fail to do so. The offence will be punishable by up to two years imprisonment.

**Child abuse offences<sup>29</sup>** covers a range of offences, including but not limited to:

- any acts causing danger to life
- neglect of a child
- assault offences
- any sexual offences against a child, including inciting someone to commit a sexual offence on a child
- child abuse material offences.

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<sup>28</sup> Section 43B of the *Crimes Act 1900* NSW

<sup>29</sup> Section 316A (9) of the *Crimes Act 1900* NSW

## **6 Other Obligations**

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### **6.1 Training**

Liberty recognises the importance of employees being equipped to keep children and young people safe through ongoing education and training.

Liberty will provide annual updates to staff regarding child protection, child safety and safeguarding of children and young people.

This annual training will be undertaken in January of each year.

Any professional development relevant to safeguarding children and young people will require compulsory attendance.

### **6.2 Record Keeping**

Liberty recognises that the creation of accurate records and good record keeping practices play a critical role in preventing, identifying, and responding to child safety information.

#### **6.2.1 Liberty Church Inc.**

Liberty will maintain records, including but not limited to, the following:

- records about reportable conduct allegations (stored securely and under restricted access).
- records relating to child safety and wellbeing.
- record of reports made to DCJ and / or NSW Police.
- a register of relevant details for child-related workers and of the online verification of Working With Children Checks.
- attendance records of compulsory professional development sessions examining safeguarding at Liberty.
- confirmation that staff members have read this policy.

#### **6.2.2 Staff**

It is a requirement for a staff member to securely keep full and accurate records of any report they have made relating to child safety and wellbeing matters. These records must also be given to Liberty and can be in electronic form or in written form.

Full and accurate records should be created about instances, responses and decisions affecting child safety and wellbeing.

Records relevant to child safety and wellbeing should only be disposed of in accordance with the relevant law.

## 6.3 Confidentiality

Staff must deal with information relating to child protection, child safety, safeguarding and reportable allegation concerns confidentially<sup>30</sup>.

Staff who become aware of a breach of confidentiality in relation to a child protection, child safety, safeguarding or reportable allegation matter must advise a Responsible Person immediately.

Breaches of confidentiality by a staff member will be viewed seriously and may result in employment consequences for paid employees and, for contractors and volunteers, a breach of confidentiality may result in a review of engagement with Liberty.

## 7 Relevant NSW Legislation

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This policy has been developed in line with the following key pieces of safeguarding legislation in NSW:

- the Children and Young Persons (Care and Protection) Act 1998 ("CYP Act")
- the Children's Guardian Act 2019 ("CG Act")
- the Child Protection (Working with Children) Act 2012 ("WWC Act")
- the Child Protection (Working with Children) Regulations 2013
- the Crimes Act 1900 ("Crimes Act").

## 8 Other Policies

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This policy works in conjunction with other Liberty policies. These include, but are not limited to:

- Complaints Policy 260314
- Student Welfare and Discipline Policy 240314
- External Provider Policy 160314

## 9 Status and Review

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This policy was approved by the Board of Liberty Church Inc. on 27 June 2023.

This policy will next be reviewed annually by 31 January of each year.

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<sup>30</sup> Meaning: the fact of private information being kept secret.