

This document is given to:

The College's Staff

PRINCIPLES AND GUIDELINES FOR STUDENT PROTECTION

(To be used together with 'Policies and Procedures for Protecting and Supporting Children and Young People' and 'Pastoral Care Policy')

The College ensures that it meets its legislative obligations in relation to child protection. It ensures that all staff and others such as outside tutors, volunteers and external providers who have direct contact with students are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations and are aware of their obligations and the process the college has in place in relation to mandatory reporting.

This includes information to all staff and others such as outside tutors, volunteers and external providers who have contact with students, and screening of all personnel as per The Commission for Children and Young People Act 1998, and the Child Protection (Prohibited Employment Act) 1998.

In addition all staff and others such as outside tutors, volunteers and external providers are informed of their duties and obligations under the Child Protection Legislation Amendment Bill 2014 of the Children and Young Persons (Care and Protection) Act 1998, and the Ombudsman Amendment Act (Child Protection and Community Services) 1998, and that all staff fulfil these obligations.

Furthermore, under new NSW Child Protection (Working with Children) Act 2012, the College ensures to:

- provide a portable and renewable Working With Children Check clearance that lasts for five years
- have the same check for everyone whether a paid worker, a volunteer, a self-employed person, an adult living in a carer's home, or a prospective adoptive parent
- bar all high-risk applicants from working with children
- continuously monitor each cleared person for serious criminal activity or disciplinary matters in the workplace
- require applicants for child-related employment to initiate the WWCC check and pay a fee

We do this by:

1. Presenting the duties and responsibilities including mandatory reporting to all personnel as part of their induction, and refreshing the information annually for all personnel, who sign that they have been informed about this, and going through the school's mandatory reporting procedure with all personnel.
2. Requirements to notify and investigate allegation of reportable conduct in compliance with the Ombudsman Act 1974 and its amendment Act (Child Protection and Community Services) Act 1998.

3. The school's obligation to meet the Employment Screening and notification requirements of 'Commission for Children and Young People Act 1998'.
4. Obligations under the 'Child Protection (Working with Children) Act 2012' and 'Child Protection (Working with Children) Regulation 2013', i.e. he/she must complete a Working with Children Check.
5. Applicants apply for a Working with Children Check to the 'NSW Commission for Children and Young People' ('Office of the Children's Guardian') by filling in an online application at <http://www.newcheck.kids.nsw.gov.au>.
6. The school's obligation to notify the Commission for Children and Young People of any relevant employment proceedings with any staff.
7. The school is to notify the staff if his/her application was rejected.
8. Any current employee who is engaged in child-related employment is to vacate that position if he/she is or becomes a prohibited person.
9. The school is to respond to reportable matters in accordance with Legislative requirements.

Principles

The College upholds the following principles for student protection:

- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential
- The College recognises that people who are subjected to abuse are harmed by it
- At the College the welfare and best interests of the student will always be a primary consideration
- The College expects our students to show respect to our staff and volunteers and to comply with safe practices
- All staff and a candidate at the time of an interview if a new staff is being hire, are explained regarding his/her responsibilities related to the followings:
- All employees must ensure that their behaviour towards and relationships with students reflect proper standards of care for students and are not unlawful
- Employees of the College must not under any circumstances engage in physical or emotional abuse or engage in sexual conduct of any nature with a student of the College. It is irrelevant whether the conduct is consensual or non-consensual or condoned by parents or care givers. The age of the student is also irrelevant
- The College will respond diligently to a report of suspected or actual harm, or risk of harm, to a student
- Reprisals against students or others making a complaint will not be tolerated
- Student management practices will be administered with respect and in a manner which maintains the student's dignity
- The College will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct
- The College will support an employee or volunteer who is the subject of a proven false allegation of conduct causing risk of harm or putting student's safety, welfare or wellbeing at risk

- Anybody within the College who becomes aware or reasonably suspects that a student is being harmed or put the student's safety, welfare or wellbeing at risk must report it to the College in accordance with the College's Child Protection Policies & Procedure for the Reporting of neglect, abuse, harm, endangered safety, welfare or wellbeing
- The College will take disciplinary action against employees who harm students and appropriate action against volunteers who harm students or put the student's safety, welfare or wellbeing at risk
- The College will not permit people to work in a position if the College believes on the basis of all information available that, if the allegations against them are wholly or partly true, there would be unacceptable risk that others might be harmed
- The College will cooperate with State authorities in resolving allegations of harm
- The College is a registered non-government school which maintains educational facilities that are adequate for the courses of study provided by the College
- In complying with these principles the College will be guided by the following and will adhere to the procedures of the Child Protection

Natural Justice

The principles of natural justice will apply to all decisions to be made. The two fundamental principles of natural justice are:

- That those making a decision are not biased
- That nobody should be condemned unless he or she is given prior notice of the allegations against him or her and he or she has a fair opportunity to be heard

Process

It is important to make the lodging of a reportable conduct easy and the Child Protection policies are designed to allow this.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence in certain circumstances.

The College has policies and procedures in place to ensure that it meets its legislative obligations in relation to child protection. The *Child Protection Act 1998* prohibits any person convicted of a serious sex offence, from applying for or remaining in child-related employment. The *Children and Young Persons (Care and Protection) Act 1998* sets out the responsibilities of the Australian Government Department of Education with regard to child protection. This organisation will be contacted if any student is feared to be at risk of harm. The College ensures all employees acknowledge the following acts:

Children and Young Persons (Care and Protection) Act 1998; Crimes Act 1900; Privacy and Personal Information Protection Act 1998; Health Records and Information Privacy Act 2002; Commission for Children and Young People Act 1998; Ombudsman Act 1974; Education Act 1990.

Criminal Law

Where there are allegations of criminal misconduct the allegation should be referred to the police. The Chief Executive Officer/ Principal/Academic Manager/Head of VET Department must refer all allegations of paedophilia to the police.

Promptness

All steps under the policy should be carried out promptly. The College will keep the victim and the alleged perpetrator informed of progress.

Protection

The Chief Executive Officer, Principal, Academic Manager and Head of VET Department will ensure that the following is undertaken in order to reduce the chance of abuse occurring:

- Ensure that each teacher understands and fulfils his or her obligations under these principles and guidelines and Child Protection policies.

The Chief Executive Officer will ensure that the following is undertaken in order to reduce the chance of abuse occurring:

- Ensure that each non-teaching staff member understands and fulfils his or her obligations under these principles and guidelines and Child Protection policies.

Support

The College will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. The College will support the respondent to a complaint with professional counselling if it is requested until the matter has been resolved.

Interviews

There will be two representatives of the College present at interviews where practical. In cases of allegations of serious harm, it is best not to interview a child or student who is a child unless a properly qualified person conducts the interview.

Public Relations

The Chief Executive Officer/ Principal/Academic Manager/Head of VET Department will ensure that the College is able to act quickly to allegations of harm so that accurate and relevant information is available for staff members, students and their families and for the media.

Police Action

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent it will be necessary to wait until those charges have been dealt with in the courts before commencing internal inquiries or disciplinary proceedings. This does not preclude the Chief Executive Officer/ Principal/Academic Manager/Head of VET Department from seeking advice from police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation. The police are not required to inform the College about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

Insurer

The College will keep its insurer informed about developments.

Review

The College will ensure that the Principles and Guidelines and Child Protection policies are reviewed at least once every two years.

Procedure for Reporting cases of suspected neglect or abuse of children or harming or endangering children's safety, welfare or well-being at the College

Mandatory Reporter: Chief Executive Officer/Principal/Academic Manager/Head of VET Department

1. Ask the person who reports suspicions to write down, date and sign why they suspect that there may be neglect, abuse, harm or children's safety, welfare or wellbeing being put at risk and report to the Chief Executive Officer or Principal or Academic Manager or Head of VET Department immediately.
2. The Chief Executive Officer jointly with the Principal/Academic Manager/Head of VET Department investigates (does not automatically mean interviewing child) to try and check any other indicators or sources of information eg other teachers, guardians, homestay family etc.
3. If case is acute and the child may be in immediate danger, it may be necessary to call the Police and at the same time, the Chief Executive Officer contacts the 'Ombudsman', 'Child Protection Helpline' or 'Child Wellbeing Unit'
4. Irrespective of whether the Police or Child Protection Helpline or Child Wellbeing Unit have been contacted, the Chief Executive Officer fills in reporting form and contacts the Ombudsman and/or Community Services to give information and report the case.
5. The Chief Executive Officer advises the staff member of the outcome and reference No., or documents and monitors concerns and provides feedback to the staff member on action.
6. Retain all documents in student's file.

Report form: Suspected Child Abuse/ Neglect or Harming or Endangering Children's Safety, Welfare or Well-being

(Reporting within the College)

Family Name		First Name(s)	
Date of Birth		Nationality	
Current address			
Current telephone numbers			
Guardian's Family Name		Guardian's First Name(s)	
Guardian's address			
Guardian's telephone numbers			
Description of child			
Current whereabouts			
Why the child may be at risk			

Date: __/__/__ _____

Signature: _____

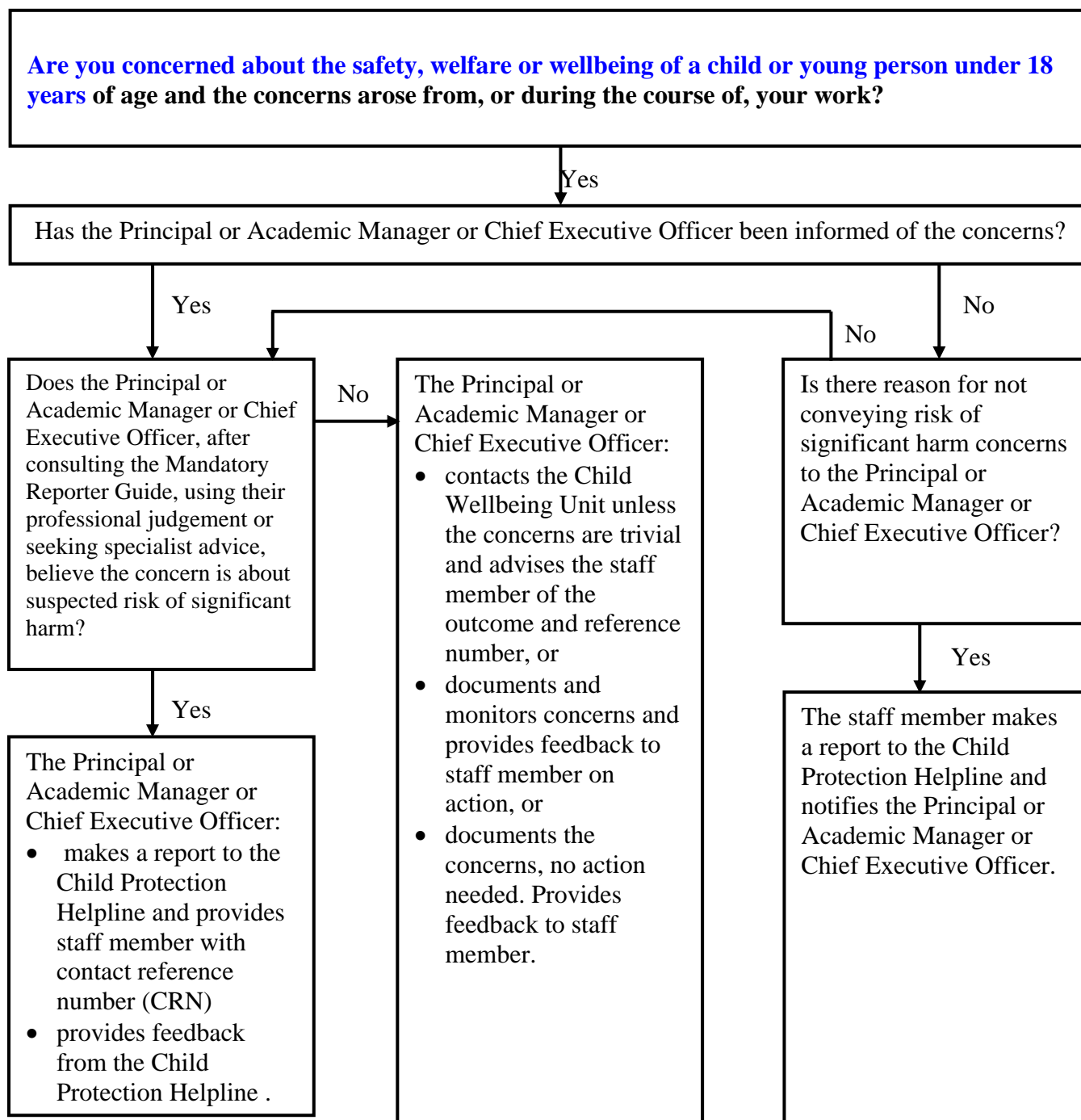
Chief Executive Officer

Date: __/__/__

Staff Member's Name: _____ Signature: _____

Protecting and supporting children and young people procedures - Flowchart for staff members

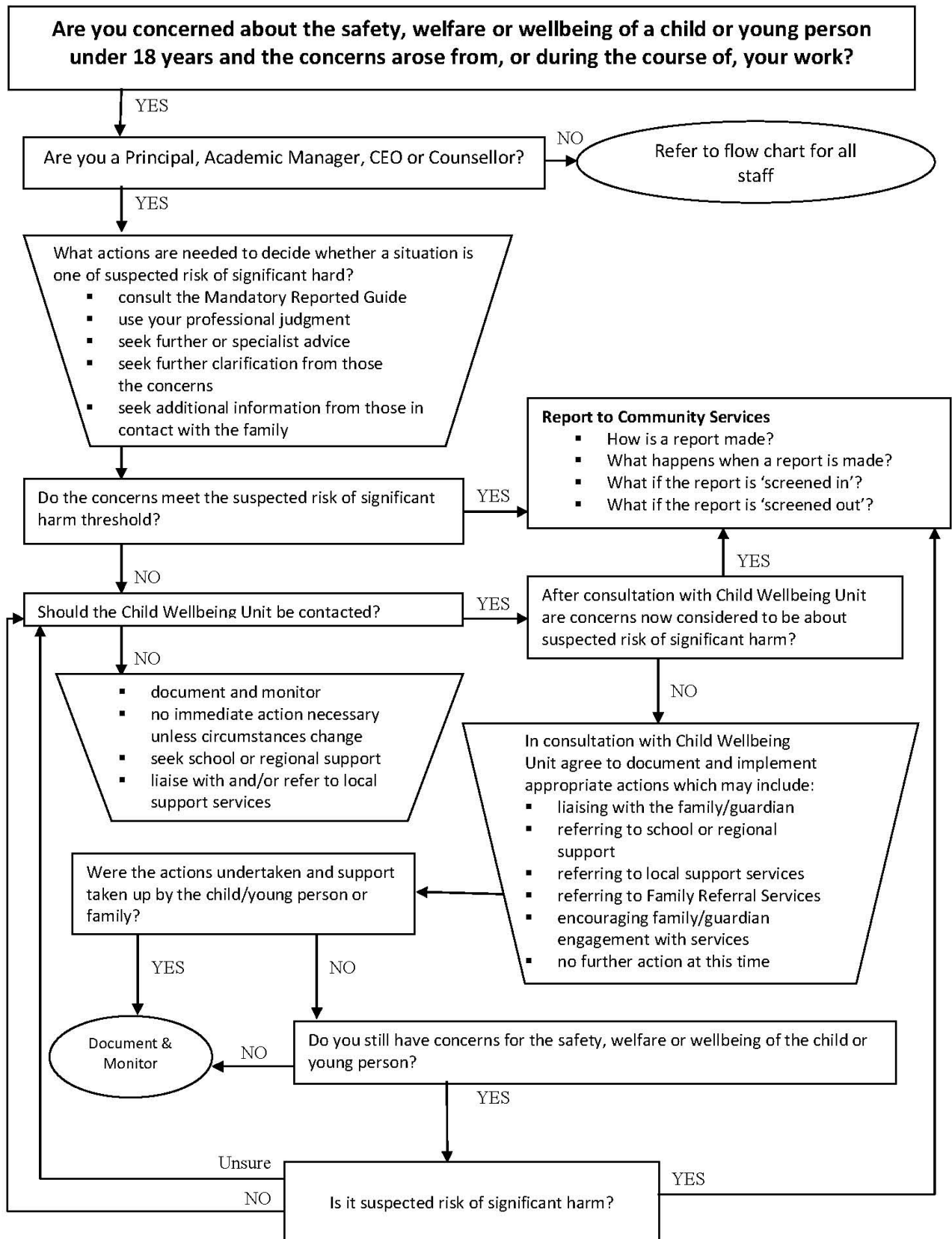
For use by all staff



Note: If a staff member has reasonable doubt that the report about suspected risk of significant harm has been made within the required reporting time to the Child Protection Helpline, the staff member then makes the report to the Child Protection Helpline and notifies the Principal or Academic Manager or Chief Executive Officer.

Protecting and supporting children and your people procedures – Flowchart

For use by Principals, Academic Manager, CEO and Counsellors



OXFORD COLLEGE, SYDNEY / SPECIALTY LANGUAGE CENTRE /
OXFORD COLLEGE OF ENGLISH / OXFORD COLLEGE

**RECORD OF A REPORT TO OMBUDSMAN AND/OR COMMUNITY SERVICES ABOUT SUSPECTED RISK OF
SIGNIFICANT HARM**

Name of Student: _____ Age: _____

Date of Birth: _____ Sex: M__ F__

Home Address: _____ Postcode _____

Home Phone: _____

Course Attended: _____

College Location: _____

Name of Parents or Guardian and relationship to student:

Name: _____ Name: _____

Phone No: _____ Phone No: _____

Relationship: _____ Relationship: _____

What actual significant harm or risk of significant harm is suspected? (For grounds for suspected risk of significant harm refer to 'Reportable Conduct under the Ombudsman Act 1974'.

- the Student's basic physical or psychological needs are not being met or are at risk of not being met;
- the parent or other carers have not arranged and are unable or unwilling to arrange for the student to receive necessary medical care;
In the case of a student who is required to attend the College in accordance with the Education Act 1990 - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the student to receive an education in accordance with that Act;
- the student has been, or is at risk of being, physically or sexually abused or ill-treated;
- the student is living in a household where there have been incidents of domestic violence and, as a consequence, the student is at risk of serious physical or psychological harm;
- the parent or other carer has behaved in such a way towards the student that the student has suffered or is at risk of suffering serious psychological harm;
- the student was the subject of a pre-natal report under Section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Record critical pieces of information that informed your decision to report or your answers to questions in the Mandatory Reporter Guide.

If known, what are the wishes of the student about this matter?

Is this a report related to the homelessness of a student who has given permission for the report to be made? Yes ___ No ___

Report made to the Ombudsman and/or Community Services

Yes: To Ombudsman To Community Services

Date: ___/___/___ Time: _____ Contact Reference No. Allocated: _____

Recommended decision of Ombudsman and/or Community Services about action to be taken, if known.

Name: _____ Signature: _____

Address: Level 6, 815 George Street, Sydney NSW Postcode: 2000 Telephone: (02) 9211 7411 Facsimile: (02) 9212 3861

Mandatory Reporter Guide final Decision Report attached? Yes ___ No ___