

This document is to be given to:  
Students and  
The College's Staff

## **Policies and Procedures for Protecting and Supporting Children and Young People**

**The College ensures to set out roles and responsibilities of staff in relation to child protection including training, reporting on safety, and supporting children and young people, as well as monitoring, evaluation and reporting requirements.**

**The College ensures to inform staff of the requirements to notify and investigate allegations of reportable conduct in compliance with the Ombudsman Amendment Act 1998.**

**It is the requirement by the Act to have 'Working With Children Check' done for all Child Relate Workers, i.e. Teaching Staff and Student Services Staff.**

### **1. Objectives**

- Education has an important role to support children and young people and promote their safety, welfare and wellbeing and to identify where problems arise that may put their safety, welfare or wellbeing at risk.
- The College staff provide support that is responsive to the needs of students who are the subject of concerns about risk of harm, appropriate to staff roles. In child wellbeing matters the College may arrange support within the College and/or refer students and their families to outside support services.
- The College should work collaboratively with relevant government and non-government agencies in accordance with the principles of Chapter 16A of the NSW Children and Young Persons (Care and Protection) Act 1998 and other relevant legislation.
- The College's CEO as the Head of Agency is responsible and has an obligation to ensure that;
  - (a) The College's CEO will be advised by any staff member or students, parent or guardian of any allegations of reportable conduct.
  - (b) The College's CEO notifies the Ombudsman and/or Community Services as soon as possible, and no later than 30 days after being made aware and, where required, the NSW Commission for Children and Young Persons (CCYP) of any allegation of reportable conduct or conviction related to reportable conduct against an employee. In addition to notifying the Ombudsman and/or Community Services, the College's CEO must also investigate the allegation or conviction and report the findings of such an investigation to the Ombudsman and/or Community Services. The Ombudsman may also oversee and monitor the investigation of and the response by the CEO to allegations of reportable conduct.
  - (c) The College's CEO notifies the Ombudsman and/or Community Services whether or not the College plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking such action as soon as practicable
  - (d) The College's CEO provides the Ombudsman and/or Community Services with any documentary or other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation.

## 2. Legislation

- The Ombudsman Amendment Act (Child Protection and Community Services) Act 1998 which added Part 3A to the Ombudsman Act 1974
- The NSW Commission for Children and Young Persons (Care and Protection) Act 1998 which established the Commission for Young People and made the Commission responsible for employment screening for people in child-related employment
- The NSW Children and Young Persons (Care and Protection) Act 1998 which sets out the responsibilities of Community Services with regard to child protection.
- The Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulations 2013
- Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013
- Child Protection Legislation Amendment Act 2015
- Child Protection Legislation Amendment Bill 2014 of The NSW Children and Young Persons (Care and Protection) Act 1998 which sets out the responsibilities of Community Services with regard to child protection.
- The College assesses and monitors the current standard and state of repair of facilities, taking into account the requirements of relevant registration including the;
  - Explosives Act 2003
  - Work Health and Safety Act 2011

## 3. Responsibilities

- All staff are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998 and are informed by our College annually of their obligations in relation to mandatory reporting.
- Protect children and young people from risk of harm while they are in the College's care.
- Train staff to be aware of the indicators of abuse and neglect in children and young people and respond to concerns about risk of harm and report to the College's CEO.
- Report concerns to the College's CEO about risk of significant harm to the Child Protection Helpline.
- Support children and young people in ways that are responsive to their needs and are appropriate to staff roles.
- Take reasonable steps to coordinate decision making and coordinate services to children and young people and their families with other service providers if required.
- Exchange relevant information to progress assessments, investigations and case management as permitted by law.
- Collaborate with other agencies for the care and protection of children and young people in ways that strengthen and support the family and in a manner that respects the functions and expertise of each service provider.
- Inform students of their right to be protected and of avenues for support if they have concerns.
- Provide child protection education to children and young people in the College.
- The College obtains a clearance from the screening by 'The Working With Children Check' of any employee who will have contact with the College's students.

#### 4. Child Protection Education

- The formal and informal curriculum teaches communication skills, promotes societal values and norms and develops skills and understandings about positive interpersonal relationships. Education settings provide opportunities for students to seek support from adults, if needed.
- Child Protection Education is a mandatory component of the Key Learning Area of Personal Development, Health and Physical Education and aims to teach students strategies for recognising and protecting themselves from unsafe situations, assist them to seek help effectively, and to develop skills for positive and non-coercive relationships.
- Pastoral care programs address personal and social issues for students and include support programs for students experiencing difficulties.
- Support programs assist students experiencing difficulties in accessing and participating in the opportunities provided by the College. These programs may include adjustment of curriculum or environment, behavioural support, health care plans and individual educational plans.
- Attendance program in Colleges implement a range of strategies to support the regular attendance of students.
- Policies for training of employees in:
  - the College's Child Protection Policy and Procedures
  - professional standards and professional boundaries in relationships with students
  - the recognition and reporting of risk of harm concerns
  - support strategies for students.
- Procedures for training of employees:
  - This includes all staff – Principal, CEO, teaching and non-teaching staff, part-time, temporary and casual staff and those who join during the past year.
  - The College ensures all staff have participated in an initial child protection induction and an update during the past year.
  - The College ensures all staff are aware of the indicators of abuse and neglect of children and young people.
  - The College ensures all staff are aware of their obligation to advise the Principal or CEO of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work.

#### ***Mandatory Reporting Procedures***

*(Reference: The NSW Commission for Children and Young Persons (Care and Protection) Act 1998)*

The NSW Commission for Children and Young Persons (Care and Protection) Act 1998 requires any person involved in professional work or other paid employment delivering education or children's services to report any risk of significant harm relating to one or more of the following:

- The child or young person's basic physical or psychological needs are not being met or at risk of not being met
- A guardian/parent has not arranged and is unable or unwilling to arrange for the child or young person to receive necessary medical care
- 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 or domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm, or
- A guardian/parent or 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.

Not limiting to the above listed circumstances, a child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person:

- Present to a significant extent
- Are sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent
- Are not minor or trivial
- May reasonably be expected to produce a substantial and demonstrable adverse impact on their safety, welfare or wellbeing
- May be a single act or omission or an accumulation of these.

**Where a staff member has reasonable grounds to suspect that a student is at risk of significant harm the following procedures are to be implemented.**

1. They must report this to the Principal or CEO, as appropriate.

Reasonable grounds can be assumed when:

- A child discloses that he or she has been abused, and/or
- Someone close to a child (eg sibling, relative, close friend) discloses that the child has possibly been abused.

The person to whom the information is disclosed will also apply appropriate disclosure measures, which include:

- Not coercing the child to disclose details of the alleged abuse or attempting to investigate the allegation while police or other investigations are taking place.
  - Assuring the child that he or she is understood; that the disclosure is being taken seriously; that what has happened is not the child's fault; and that the child is correct in disclosing the incident.
  - Not making contact with the alleged perpetrator.
2. The Principal or CEO will consider whether to make a report to the Child Protection Helpline and/or Police.
  3. Where the risk of significant harm relates to conduct by an employee the Principal or CEO will also:
    - notify the NSW Ombudsman pursuant to the Ombudsman Amendment Act 1974
  4. Counselling support is to be offered to the student and the accused staff member.
  5. Accurate documentation regarding any disclosure and / or report must be maintained. Such documentation is subject to privacy and confidentiality restrictions.

*Reportable conduct* means:

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence)
- b) any assault, ill-treatment or neglect of a child
- c) any behaviour that causes psychological harm to a child

whether or not with the consent of the child.

### ***Record Keeping:***

All documentation relating to the investigation and allegation will be filed on the employee's personnel file and treated with the strictest confidence.

Working with Children Check and its verification are kept in the database and will be updated as required by the Act.

### ***Forms to Use:***

- a) NSW Ombudsman – Notification Form 'Part A' or 'Part B' as well as any other relevant materials.
- b) NSW Commission for Children and Young Persons (CCYP) – Employment Proceedings Notification and Summary form.
- c) Association of Independent Colleges (AILS) – where the conduct has been investigated and found to be exempted by the section 25CA Class or Kind Determination. Notification is made using the AIS Notification of Completed Class or Kind Investigation Under Ombudsman's Class or Kind Agreement dated 22 October 2007.