# CHILD PROTECTION POLICY

## Policy Classification

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<tr>
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### Policy Approval:
This policy was approved by the Senior Leadership Team on February 2016.

This policy supersedes all previous policies relating to matters contained herein.
1.0 RATIONALE

As a result of public concerns about issues of child abuse in Australia over the past several years and in response to the Wood Royal Commission, the New South Wales Government has passed a number of Acts for the optimal protection of children and young people from abuse. The welfare of the child or young person is the paramount consideration. Schools and other agencies looking after children and young people in New South Wales must comply with the legislation. Oakhill College is committed to the security and well-being of its students.

Oakhill College affirms that, consistent with the purpose of Catholic education to be a centre of formation in Catholic discipleship, all students and their families and employees, within Catholic education, have the right to a learning and work environment that is safe and supportive.

In essence, this policy emphasises the responsibility of the College that is entrusted to all members to provide high quality interpersonal relationships of care and support. On the basis of these foundational principles, staff and students, and other members of our College community are called to establish working, teaching, and learning relationships which are grounded in mutual respect, dignity, fairness, reconciliation, restoration, compassion and justice.

In complying with Statutory and Church requirements in the treatment of issues relating to child protection and reportable conduct the College will provide staff with advice and training to assist them in their duty of care.

2.0 PRINCIPLES

2.1 Relationships of quality

High-quality positive relationships are fundamental to the provision of quality teaching and learning and are inseparable from the provision of a safe and supportive school environment. The development of high-quality interpersonal relationships is a responsibility shared by all people involved in our school community. Where high-quality, respectful relationships exist, the risk of harm to children and the risk of complaints involving employees are both minimised.

Where high-quality, respectful relationships are not present there is a risk of harm to students and an increased risk of complaints involving staff. When such concerns arise, they are to be addressed in restorative ways: ways that recognise conflicts, disputes, misbehaviour, or misconduct as opportunities for understanding; for acknowledging the impact of individual actions; for repairing harm; and for fostering responsible, accountable relationships and behaviours that take others' perspectives into account.

Restorative approaches encourage members of the school community to take responsibility for creating positive, quality relationships in a climate of respect, dignity and safety. Concerns about a staff member's conduct towards a child may arise from an absence or deterioration in positive relationships. Where such concerns involve conduct that may constitute 'reportable' or 'exempt' conduct or misconduct, these concerns will also be managed in accordance with the requirements of the New South Wales child protection legislation.
2.2 **A safe environment**

A safe environment is one where the risk of harm is minimised and employees and clients feel secure. Harm relates not only to dangers in the physical environment, but also refers to violence, physical threats, verbal abuse, threatening gestures, neglect, social isolation, emotional or psychological harm, sexual harassment and abuse, grooming behaviour and racial vilification.

2.3 **A supportive environment**

A supportive environment facilitates and enhances the social, academic, psychological, physical and emotional development of children, young people, teachers, general staff, volunteers and all those involved with the work of the College. A supportive environment strives to be one in which:

- Students are treated with respect and fairness by staff and other students;
- members of the College feel valued;
- effective professional relationships are established and maintained;
- support and encouragement are essential aspects of the working environment;
- non-discriminatory language and behavioural practices are defined, modelled and reinforced by members of the organization; consultation takes place on matters relating to the organisation's work.

Because of our Catholic mission the College has strong imperatives for committing ourselves to fostering the well-being of children and young people, and to protecting them from any form of neglect or abuse.

Oakhill College is totally committed to maintaining practices that create a culture of safety within which children, young people and employees are supported and protected.

This policy outlines Oakhill College's preventative aspects of child protection, as well as guidelines for responding to child protection issues. This policy will assist the College community to understand the broader concepts of child protection and their specific responsibilities in relation to child protection by providing clear and consistent guidelines for all to follow.

3.0 **POLICY**

3.1 **Key Legislation**

There are three key pieces of child protection legislation in New South Wales:

- 3.1.1 the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the *Care and Protection Act*);
- 3.1.2 the *Child Protection (Working with Children) Act 2012* (NSW) (the *WWC Act*); and
- 3.1.3 the *Ombudsman Act 1974* (NSW) (the *Ombudsman Act*).

3.2 **Publication and Distribution**

3.2.1 This Policy must be published in the College's Staff Manual.
3.2.2 This Policy must be given to all new staff who are required by the College to comply with their obligations under it.

3.2.3 This Policy must be given to all members of the College Board.

3.2.4 This Policy must also be given to:

3.2.4.1 any person who makes a reportable allegation; and

3.2.4.2 any person, being a member of the College community, who requests a copy.

3.3 Creating a Safe Learning Environment

3.3.1 The College must develop strategies to create a safe learning environment. These will include educating all members of the College community about child protection issues.

3.3.2 All staff must become familiar with these strategies.

3.3.3 Applicants for appointment as members of the teaching or general staff will be provided, before taking up their appointment, with a copy of this Child Protection Policy. Each applicant should sign an acknowledgement of having read, understood and accepted this policy for Child Protection.

3.3.4 All reportable allegations must be taken seriously.

3.3.5 The strategies developed by the College must be monitored continuously and reviewed regularly.

3.3.6 The College must provide professional development to meet the needs of the staff in implementing this Policy.

3.3.7 The Principal must:

3.3.7.1 promote this Policy within the College, with particular regard to the professional development needs of staff; and

3.3.7.2 monitor the strategies to create a safe learning environment.

3.3.8 Staff must:

3.3.8.1 be aware of the content of NSW child protection legislation; and

3.3.8.2 become familiar with Keep Them Safe (www.keepthemsafe.nsw.gov.au) – an initiative of the NSW Government which provides valuable information and resources for staff, including the Child Wellbeing and Child Protection NSW Interagency Guidelines; and

3.3.8.3 report promptly in accordance with this policy whenever they:

3.3.8.3.1 have reasonable grounds to suspect that a student is at risk of significant harm; or

3.3.8.3.2 become aware of a reportable allegation against a member of staff whenever or wherever the reportable conduct took place.

3.4 Obligations to Report

3.4.1 Any member of staff to whom a reportable allegation is made or who becomes aware of a reportable allegation or reportable conviction must report this to the Principal.
3.4.2 Any member of staff who has reasonable grounds to suspect that any student is at risk of significant harm must report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm to the Principal.

3.4.3 Any member of staff who has reasonable grounds to suspect that a child who is not a student and who is under the age of 16 is at risk of significant harm and those grounds arise during the course of or from the member of staffs work must report the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm to the Principal.

3.4.4 Any member of staff who has reasonable grounds to suspect that a student who is under the age of 16 or a child who is not a student who is under the age of 16 is at risk of significant harm and those grounds arise during the course of or from the member of staffs work must, in addition to reporting this to the Principal, satisfy himself or herself that the Principal has reported the matter to the Director-General of the Department of Family and Community Services (Community Services). Where, for any reason, the member of staff is unable to satisfy himself or herself that the Principal has reported the matter to the Director-General, the member of staff has a duty to report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm to the Director-General as soon as practicable.

3.4.5 If the reportable allegation is against the Principal or if the student is at risk of significant harm from the Principal, the report should be made to the Chairman of the College Board who must then comply with the obligations under this policy that would otherwise fall upon the Principal.

3.4.6 When the Principal receives a report from a member of staff under this section of this policy, the Principal must, where required by law, report the matter to the Police, Community Services and/or the NSW Ombudsman.

3.4.7 Where the report is to the Ombudsman, it must be made as soon as practicable and, in the case of the notification of a reportable allegation or reportable conviction, must be made, in any event, within 30 days of the Principal becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).

3.4.8 The Principal must set up structures which make it easy for staff and other members of the College community to report to the Principal reportable allegations or reportable convictions and situations in which they suspect that a student is at risk of significant harm. The Principal must also educate the staff and the College community about these structures and actively encourage them to make use of these structures.

3.4.9 The Principal must ensure that no person reporting to the Principal under this section of this policy is disadvantaged as a result.

3.5 Risk Management

3.5.1 Pending completion of any investigation (whether by the College or an external authority), the Principal may limit the contact the member of staff is to have with students or other staff, direct the member of staff to undertake duties other than normal duties or at different locations or suspend the member of staff (but on normal pay). Before taking such
action, the Principal must consider what risk, if any, the member of staff might pose to students. The Principal must take into account all relevant circumstances, including:

3.5.1.1 the nature of the allegation;
3.5.1.2 the vulnerability of the students (for example, because of their age);
3.5.1.3 the nature of the position occupied by the member of staff;
3.5.1.4 the extent to which the member of staff is supervised;
3.5.1.5 the disciplinary record of the member of staff;
3.5.1.6 the safety of the member of staff; and
3.5.1.7 the extent to which the investigation could be compromised by the member of staff continuing his or her normal duties.

3.5.2 Any action taken by the Principal under this section of the policy is not an indication that the Principal has made, or is likely to make, any particular findings in relation to the allegation against the member of staff.

3.6 Investigation

3.6.1 This section of the policy applies unless an investigation is being carried out by the Police, Community Services, the Ombudsman or some other state or federal authority. This section also applies to any investigation carried out by the College once an investigation carried out by an external authority has been completed.


3.6.3 The Principal must investigate, or must cause to be investigated, all reportable allegations and all allegations that do not amount to reportable conduct because they involve:

3.6.3.1 the use of physical force that, in all the circumstances, is trivial or negligible, or
3.6.3.2 conduct of a class or kind exempted from being reportable conduct by the Ombudsman.

3.6.4 The Principal must carry out all investigations in a way which affords procedural fairness to the member of staff involved. This means that, before completing an investigation of a reportable allegation, the Principal must inform the member of staff of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the member of staff, with the assistance of a support person of the member of staff's choice). Normally, the Principal is to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the Principal must:
3.6.4.1 act fairly and without bias;
3.6.4.2 conduct an investigation without undue delay;
3.6.4.3 ensure the case is not investigated or determined by someone with a conflict of interest;
3.6.4.4 ensure the outcome is supported by evidence;
3.6.4.5 take steps to maintain confidentiality for the sake of all parties involved in the investigation.

3.6.5 At the conclusion of the investigation, the Principal may:

3.6.5.1 if the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the member of staff an apology and a commitment not to repeat the offence;
3.6.5.2 if it is more serious, require from the member of staff:
   3.6.5.2.1 an undertaking to attend counselling;
   3.6.5.2.2 a written apology;
   3.6.5.2.3 a commitment not to offend again; and
   3.6.5.2.4 in the most serious case, suspend or terminate the employment of the member of staff.

3.6.6 The Principal must advise the victim and the member of staff in writing of the result of the investigation and the action taken.

3.6.7 If the victim or the member of staff is unhappy with the conduct or result of investigation, they may take their complaint to the Principal and, if dissatisfied with the Principal’s response to their complaint, to the NSW Ombudsman, Community Services, the Police or any other relevant authority depending on the circumstances.

3.6.8 The Principal must, as soon as practicable after being satisfied that the investigation has been concluded:

3.6.8.1 send to the Ombudsman a copy of any report prepared by or provided to the Principal as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based;
3.6.8.2 provide the Ombudsman with such comments on the report and statements as the Principal thinks fit;
3.6.8.3 inform the Ombudsman of the action that has been taken or is proposed to be taken with respect to the reportable allegation the subject of the investigation, and whether or not the College proposes to take any disciplinary or other action in relation to the member of staff and the reasons why it intends to take or not to take any such action; and
3.6.8.4 send to the Ombudsman any written submissions made to the Principal concerning any such allegation that the member of staff wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to him or her.
3.6.9 The College must notify the Commission for Children and Young People of the name and other identifying particulars of any member of staff involved in child-related work against whom the College has made a finding that the member of staff has engaged in:

3.6.9.1 sexual misconduct committed against, with or in the presence of a child, including grooming of a child,

3.6.9.2 any serious physical assault of a child.

3.6.10 If the Commission for Children and Young People so requests, the Principal may also provide the Commission for Children and Young People with a statement setting out information specified by the notice relevant to an assessment of whether a person poses a risk to the safety of children.

3.7 Pastoral Care

3.7.1 Where a student is at risk of significant harm or is the person to whom the reportable conduct has allegedly been directed, the Principal must as soon as possible advise the students parents or caregivers unless the Principal is satisfied that:

3.7.1.1 Community Services intends to notify the students parents or caregivers promptly; and

3.7.1.2 the College will not be in breach of its duty of care to the student or to other students by not advising the student’s parents or caregivers.

3.7.2 The College must:

3.7.2.1 make available its counselling staff to provide counselling and other support as required to:

3.7.2.1.1 any student who is at risk of significant harm or is the person to whom reportable conduct has allegedly been directed; and

3.7.2.1.2 any member of staff against whom a reportable allegation has been made; and

3.7.2.2 where relevant, their families; and

3.7.2.3 refer these people to external agencies able to provide relevant care and support.

3.8 Engagement of Employees

3.8.1 Placement of Religious within the College

3.8.1.1 Under the provisions of the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998, ministers of religion and members of religious congregations are subject to the screening processes required of all teaching and general staff.
3.8.1.2 The referees for the purposes of child protection must include the person's last employer.

3.8.2 **Recruiting of Teaching and General Staff**

3.8.2.1 Applications for appointment as members of the teaching or general staff must be accompanied by:

3.8.2.1.1 two references, as to character, by people who have direct, recent experience of the applicant’s work must be sought and recorded;

3.8.2.1.2 a written statement by the applicant that he or she has not been charged with or convicted of any relevant criminal offence, such an offence being one that would reasonably be considered to render the person considered unsuitable for employment in a school;

3.8.2.2 In the case of short-listed applicants, the information supplied must be verified by

3.8.2.2.1 enquiry of the referees

3.8.2.2.2 and the full employment screening process of the Children's' Commission including the mandatory police criminal record check, a check of relevant apprehended violence orders and a review of relevant completed disciplinary proceedings that the applicant may have had in previous employment as required under the Commission on Children and Young Persons Act.

3.8.3 **Recruiting of Volunteers (Paid)**

3.8.3.1 Under the Commission on Children and Young Persons Act the definition of employment has been extended to include volunteer work. For the purposes of this legislation 'volunteers' who are paid for services to child related activities are subject to the same screening requirements.

3.8.3.2 Any prospective applicant for paid, primarily child related, employment as listed in Section 33 of the Commission on Children and Young Persons Act which involves direct contact with children where the contact is not directly supervised must undergo the full employment screening process of the Children's' Commission including the mandatory police criminal record check a check of relevant apprehended violence orders and a review of relevant completed disciplinary proceedings that the applicant may have had in previous employment as required under the Commission on Children and Young Persons Act.

3.8.4 **Recruiting of Volunteers (Unpaid)**

3.8.4.1 Under the Child Protection (Prohibited Employment) Act and the Commission for Children and Young Persons Act, the definition of employment has been expanded to include volunteer work. At Oakhill unpaid volunteers who are involved in direct contact with children where that contact is not directly supervised are required to sign a declaration that they are not a person prohibited by the Child Protection (Prohibited Employment) Act from seeking, undertaking, or remaining in child related employment.

3.8.5 **Engagement of Sub-Contractors**
3.8.5.1 Under the Commission on Children and Young Persons Act the definition of employment has been expanded to include sub-contractor work in child related areas.

3.8.5.2 The principal of the sub-contracting agency must ensure that the requisite screening as required by the Commission on Children and Young Persons Act has been carried out. The principal should furnish the College with proof of the checks. Such proof might include the subcontractor's police check number in respect of the particular employee.

3.8.6 Record Keeping

3.8.6.1 The College is committed to keeping accurate records of all matters required by this policy.

3.8.6.2 Where the College collects and/or holds personal information pursuant to this Policy, it must do so in accordance with the Privacy Act 1988 (Cth).

3.8.6.3 The College must keep records concerning allegations, investigations and findings concerning the subject of any such notification for not less than 30 years, unless the records are given to the Commission for Children and Young People.

3.8.6.4 The College will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.

3.8.6.5 A member of staff against whom a finding has been made that the member of staff has engaged in:

3.8.6.5.1 sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or

3.8.6.5.2 any serious physical assault of a child,

3.8.6.5.3 is entitled to apply for access under section 46 of the Child Protection (Working with Children) Act 2012 to any information about the finding.

4.0 POLICY REVIEW

4.1 The Principal is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.

4.2 The Child Protection policy is to be reviewed every two years.

5.0 EXPLANATORY NOTES AND DEFINITIONS

5.1 Explanatory Notes

5.1.1 Children and Young Persons (Care and Protection) Act 1998

5.1.1.1 This Act aims to protect children and young people from risk of harm. It provides for the mandatory reporting to the Department of Community Services of suspected risk of harm from abuse and neglect to a child or young person, where there are reasonable grounds to suspect risk of harm.

5.1.2 The Ombudsman Act 1974 (NSW)

5.1.2.1 Part 3A of the Ombudsman Act requires the heads of certain agencies, including non-government schools in New South Wales to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the school's investigation of these allegations.
5.1.3 Working with Children Act 2012

5.1.3.1 The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working with Children Check (Check) is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant’s name may lead to the Check being revoked.

5.1.3.2 It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a Check or when their Check is up for renewal that they do so.

5.2 Definition of Terms

5.2.1 Assault includes physical assault and sexual assault.

5.2.2 Child means a person under the age of eighteen years.

5.2.3 Child abuse material means material that depicts or describes, in a way that reasonable persons would regard as being, in all the circumstances, offensive:

5.2.3.1 a person who is, appears to be or is implied to be, a child as a victim of torture, cruelty or physical abuse, or

5.2.3.2 a person who is, appears to be or is implied to be, a child engaged in or apparently engaged in a sexual pose or sexual activity (whether or not in the presence of other persons), or

5.2.3.3 a person who is, appears to be or is implied to be, a child in the presence of another person who is engaged or apparently engaged in a sexual pose or sexual activity, or

5.2.3.4 the genital area or anal area of a person, or the breasts of a female person, who is, appears to be or is implied to be, a child.

5.2.4 Child-related work means work involving direct contact by a member of staff with children.

5.2.5 Child-related personal violence offence means:

5.2.5.1 an offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a child, or

5.2.5.2 an offence committed by an adult of attempting, or of conspiracy or incitement, to commit an offence referred to in paragraph 5.1.5.1, but does not include an offence committed by an adult who is not more than 3 years older than the child concerned.

5.2.6 Grooming behaviour means a pattern of behaviour aimed at engaging a child as a precursor to sexual abuse. The grooming process can include:

5.2.6.1 persuading the child that a “special” relationship exists by spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules, etc.;

5.2.6.2 testing of boundaries by undressing in front of the child, allowing the child to sit on the lap, talking about sex, “accidental” touching of genitals, etc.
These behaviours may not indicate risk if occurring in isolation but, if there is a pattern of behaviour occurring, it may indicate grooming. Grooming behaviour constitutes a form of sexual misconduct.

5.2.7 **Neglect** occurs when a child is harmed by the failure of a person whose job includes care responsibilities towards a child to provide basic physical and emotional necessities of life, including failure of such a person to provide or arrange for the provision of adequate and proper food, nursing, clothing, medical attention or lodging for a child in that person’s care.

5.2.8 **NSW child protection legislation** means:

5.2.8.1 *Children and Young Persons (Care and Protection) Act 1998*;
5.2.8.2 *Commission for Children and Young People Act 1998*;
5.2.8.3 *Ombudsman Act 1974*;
5.2.8.4 *Child Protection (Offenders Registration) Act 2000*; and
5.2.8.5 *Child Protection (Working with Children) Act 2012*.

5.2.9 **Physical assault** means an act:

5.2.9.1 which is committed on or towards a child; and

5.2.9.1.1 that involves the application of force to a child or that causes a child to think that immediate force will be used on the child; and

5.2.9.1.2 which is hostile or reckless (a reckless act is one where the person foresees the likelihood of inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur for an assault to have taken place. That is, the child does not have to be injured. Physical contact which is an inevitable part of everyday life does not amount to an assault.

5.2.10 **Prohibited person** means a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence or a person who is a registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*.

5.2.11 **Psychological harm** means significant emotional harm or trauma.

5.2.12 **Reportable allegation** means an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct.

5.2.13 **Reportable conduct** means:

5.2.13.1 any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or

5.2.13.2 any assault, ill-treatment or neglect of a child,

5.2.13.3 any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

5.2.14 **Reportable conduct does not extend** to:

5.2.14.1 conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or

5.2.14.2 the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result
of the investigation recorded under workplace employment procedures, or

5.2.14.3 conduct of a class or kind exempted from being reportable conduct by the Ombudsman.

Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child’s attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental. Further examples of behaviours that are not reportable conduct include providing appropriate medical care to a child who is hurt; guiding a child by the shoulders, arms or hands; not providing supervision where this was for good reason, and for a short period of time and where the risk of harm was reasonably perceived at the time to be low; and actions found to have been appropriate physical contact in classes such as sport and drama.

5.2.15 **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in New South Wales or elsewhere, of an offence involving reportable conduct.

5.2.16 A child is at **risk of significant harm** if current concerns exist for the safety, welfare or well-being of the child because of the presence, to a significant extent, of any one or more of the following circumstances:

5.2.16.1 the child’s basic physical or psychological needs are not being met or are at risk of not being met,

5.2.16.2 the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care,

5.2.16.3 in the case of a child who is required to attend school in accordance with the *Education Act 1990*—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive an education in accordance with that Act,

5.2.16.4 the child has been, or is at risk of being, physically or sexually abused or ill-treated,

5.2.16.5 the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm,

5.2.16.6 a parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm,

5.2.16.7 the child was the subject of a pre-natal report under the *Children and Young Persons (Care and Protection) Act 1998* 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.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child’s safety, welfare or wellbeing.

Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

A practical test when considering whether a child is at risk of significant harm is to ask whether the concern for the child is sufficiently serious to warrant a response by authorities such as the Police or Community Services irrespective of a family’s consent.

5.2.17 **Sexual assault** refers to a sexual offence against, with or in the presence of a child. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child.

5.2.18 **Sexual misconduct** includes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:

- 5.2.18.1 inappropriate conversations of a sexual nature;
- 5.2.18.2 comments that express a desire to act in a sexual manner;
- 5.2.18.3 unwarranted and inappropriate touching; sexual exhibitionism;
- 5.2.18.4 personal correspondence (including electronic communication) with a child in respect of the adult’s sexual feelings for a child;
- 5.2.18.5 deliberate exposure of children to sexual behaviour of others including display of pornography;
- 5.2.18.6 possession of child pornography in the workplace;
- 5.2.18.7 grooming behaviour.

5.2.19 **Staff or member of staff** includes any College employee and any individual engaged by the College to provide services to its students (even as a volunteer, student teacher, gap student, private tutor or contractor).

5.2.20 **Working with children check clearance** means an authorisation that is in force under the Child Protection (Working with Children) Act 2012 to engage in child-related work.

### 6.0 SUPPORTING DOCUMENTS, PROCEDURES AND GUIDELINES


6.2 The new Working with Children Fact Sheet: *Phase in schedule for existing workers* (valid until 31 December, 2017);

6.3 School Incident Report
ACKNOWLEDGEMENT

I ________________________ have read, understood and agree to comply with the terms of this Child Protection Policy.

_________________________  _________________________
Signed                      Dated