



Child Protection Policy

Preamble

Mount St Benedict College, in fulfillment of its mission and ministry within the Church, educates students in the Good Samaritan tradition of a community that provides a strong sense of wellbeing, belonging and security. The College is committed to the total care of the student – physically, emotionally, intellectually and spiritually. The College provides an environment which respects their freedom and dignity as persons while safeguarding them from violence and exploitation.

All members of the College community have the responsibility to provide high quality interpersonal relationships of care and support, grounded in mutual respect, dignity, fairness, reconciliation, restoration, compassion and justice.

Definitions

A 'safe and supportive school environment' is one that protects the emotional, psychological, and physical well-being of students, employees, and other members of the school community.

A safe environment is one where risk of harm is minimised and employees and students feel secure.

A supportive environment facilitates and enhances the social, academic, physical and emotional development of students, employees and other members of the school community.

An employee, for the purposes of this policy, is defined as any person who provides a service to the College, either paid or unpaid, and including, but not limited to:

- Permanent, temporary and casual staff;
- Contractors and Sub-Contractors;
- Volunteers;
- Ministers of Religion and Members of Religious Institutes.

Under the *Children and Young Person (Care and Protection) Act*, a child or young person is considered to be at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent (that is, is sufficiently serious to warrant a response by a statutory authority regardless of a family's consent).

Section 25A of the *Ombudsman Act* defines 'reportable conduct' as:

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

whether or not, in any case, with the consent of the child.

The Working with Children Check involves consenting to a national criminal history check and a review of reported workplace misconduct findings, in order to receive authorization under the WWC Act to engage in child-related work.

Principles

The College recognises its duty of care obligations to ensure that reasonable steps are taken to prevent harm to students.

In relation to Child Protection, the College focuses on the protection of the students from harm and/or abuse – sexual, physical and psychological – and/or neglect. The policy aims to ensure compliance with all relevant legislation and Codes of Practice.

Where high quality, respectful and positive relationships exist, the risk of harm to children is minimised.

Where concerns about an employee's conduct towards a child arises, where such concerns involve conduct that may be 'reportable' or 'exempt' conduct or misconduct, these concerns will be managed in accordance with the requirements of the relevant legislation.

Where a child or young person is considered to be at risk of significant harm a report must be made to Department of Family and Community Services.

Staff must at all times comply with the College Staff Code of Conduct.

Engagement of Workers/Volunteers

The College will only employ child-related workers or volunteers who have a valid Working with Children Check. All advertisements for positions will indicate that the employment is child-related and that successful applicants will be required to hold a current Working with Children Check.

All workers/volunteers are required to present a Working with Children Check, which will be verified by the College.

At the time of employment all contractors and volunteers will be made aware of their obligations under relevant Child Protection Legislation.

Mount St Benedict College will verify a child-related worker's/volunteer's clearance number.

Practicum students will be required to supply a volunteer clearance number. Parent volunteers are exempt as are people under the age of 18 years.

Induction of Employees and Professional Learning

Child Protection requirements will form part of the Induction program for new staff.

New staff will be required to undertake the necessary professional development as directed by the Principal and read the Child Protection Policy and sign off to indicate that they have read and understood, and agree to comply with the policy.

All employees will be updated annually regarding relevant Child Protection requirements.

Reporting

Any matter which may involve criminal activity will be reported to the NSW Police Department.

College staff are required to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal or the Principal's nominee.

College staff are required to report to the Principal or the Principal's nominee any situation where the staff member becomes aware that there may have been an allegation of 'reportable' conduct;

College staff are required to report to the Principal or the Principal's nominee any situation where the staff member has formed a belief on reasonable grounds that a child is at risk of harm. This may include incidents involving:

- Physical assault;
- Sexual assault or sexual misconduct;
- Psychological harm;
- Professional misconduct that may involve reportable conduct;
- An act of violence that occurs in the presence of a student;
- Sexual misconduct that occurs in the presence of a student.

Staff should not try to determine whether the 'risk of harm' meets the threshold for reporting ("risk of significant harm"). This decision will be made by the Principal or the Principal's nominee.

The Principal or Principal's nominee will report immediately any matter that has been notified, as required by the relevant legislation, to Community Services and/or the NSW Ombudsman's Office.

Any relevant misconduct finding will be notified to the Office of the Children's Guardian on completion.

Notifications to the Ombudsman or the Office of the Children's Guardian will also be notified to Good Samaritan Education.

Any allegation regarding the Principal is to be reported to the Chair of the Board.

May 2017

Ratified by the College Board

May 2020

Date for Review

CHILD PROTECTION POLICY GUIDELINES

Employment Procedures

All prospective employees will be asked to provide a Working With Children Check (WWCC) clearance number on their application form. This clearance number can be issued by going to the website: <http://www.kidsguardian.nsw.gov.au/> and submitting forms. They will then be instructed as to where to make payment and identification check.

As proof of identity, applicants must provide one document from each of these two lists:

List A

- A current driver's licence with photo issued within Australia;
- A full birth certificate (showing parental details);
- A current Australian passport or Document of Identity issued by the Australian Passport Office or either of these documents which may have expired within the last two years;
- A current passport from another country;
- An Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Multicultural Affairs;
- A current consular photo identity card issued by the Department of Foreign Affairs and Trade.

List B

- A current Medicare card, Pensioner Concession Card, Department of Veterans' Affairs entitlement card or any other current entitlement card issued by the Commonwealth Government;
- A current credit card or account card from a bank, building society or credit union or a passbook or account statement up to one year old;
- A telephone, gas or electricity bill up to one year old;
- A water rates notice, council rates or land valuation notice up to two years old, an electoral enrolment card or other evidence of enrolment up to two years old;
- An armed services discharge document up to two years old;
- A current student identity card or a certificate or statement of enrolment up to two years old from an educational institution.

All documents must be originals and at least one document must show the applicant's signature and preferably their current address.

Structured referee checks will be carried out on all preferred applicants, including overseas applicants.

The College will make a decision regarding employment based on the verification of a Working with Children Check, the findings of referee checks and any other relevant information.

Allegations of Reportable Conduct

If any reportable allegation, or reportable conviction, is received by the Principal, or Principal's nominee, the Principal must notify the Ombudsman as soon as possible and within 30 days of receipt of the allegation.

Matters which are notified to the Ombudsman will also be notified to Good Samaritan Education.

The Principal may clarify the allegation by seeking further information from the person making the allegation.

Records of all conversations relating to allegations will be kept in a confidential file in the Principal's Office.

The Principal will conduct a risk assessment on the basis of the allegation and determine whether any immediate action is required to ensure the safety of students and the wellbeing of staff, including whether the employee should remain on duty, and the support needs of all involved.

As far as possible allegations will be treated confidentially, however the identity of those involved may need to be revealed in order to enable an effective investigation of the matter and to allow procedural fairness.

If a determination is made that a matter is not reportable, the Principal or the Principal's nominee will conduct an investigation into the matter, following the principles of procedural fairness.

Records and results of any such investigation will be kept in a confidential file in the Principal's Office.

The Principal will determine whether the matter is reportable to the Office of the Children's Guardian.

Where there is evidence of criminal activity, the matter will be reported to the Police.

Investigations

All investigations will be conducted according to the principles of procedural fairness.

The Principal will inform the person who is the subject of the allegation in writing, of the nature of the allegation, their rights and responsibilities and who will conduct the investigation.

The person who is subject to the allegation will have a reasonable opportunity to respond to the allegations.

The Principal will nominate an appropriate person to conduct the investigation. This decision will be based on the nature of the allegation, the seriousness of the allegation and the position of the person who is subject of the allegation.

The investigator will determine an Investigation Plan in conjunction with the Principal.

During the investigation process the person subject to the allegation will be kept informed of progress by the Principal.

When students are to be interviewed, their parents will be advised and the student will be able to nominate a support person to be present. (This may be a parent or other suitable adult.)

Employees who are to be interviewed will be offered a support person of their choice.

All parties involved, including children, witnesses and the person subject to the allegation, will be offered support during the process of investigation.

Accurate written records of all interviews will be kept.

Once the investigator is satisfied that all relevant information has been gathered, a written report will be prepared for the Principal. The report will include recommendations regarding a finding and any other action which may be required.

Once the Principal has received the report, the employee who is the subject of the allegation will be given further opportunity to respond, either verbally or in writing.

The Principal will then make a finding regarding the allegation and will decide on the appropriate course of action for the employee.

Reporting

An employment proceeding will be considered complete once the Principal has decided that no further investigation will take place and a finding has been made, or where the employee resigns or leaves before the disciplinary process is finalised.

The Principal will notify the Ombudsman's Office regarding the finding of investigations of reportable conduct and any action to be taken.

Any finding that a person has engaged in:

- a) Sexual misconduct committed against, with or in the presence of a child, including grooming of a child;
or
- b) Any serious physical assault of a child

will be notified by the Principal to the Office of the Children's Guardian.

Records Management

All documents related to Child Protection investigations will be kept in a locked file in the Office of the Principal.

Any fax communication regarding Child Protection will be made from a secure fax in the Office of the Principal.

Child Protection investigation records will not be kept with staff personnel files.

Child Safety Audit

The Principal will conduct an annual review to ensure that systems, structures, practices and policies are suitable and effective. This will occur each October.

Risk Assessment and Management

Staff will be required to assess the risk of learning experiences that students are engaged in, from the perspective of Child Protection. Of particular attention will be activities involving visitors to the College and activities occurring outside of the College, including excursions, retreats, pilgrimages, sporting and cultural events.