



# Child Protection

## **Program | Procedures | Statement of Commitment | Duty of Care**

A child (aged under 16 years) or young person (aged over 16 and under 18 years) in NSW is at risk of significant harm if the child has been, or is at risk of being:

- o neglected
- o physically or sexually abused or ill-treated
- o exposed to domestic or family violence
- o seriously emotionally or psychologically harmed by a parent or carer.

A child or young person may also be at risk of significant harm if they are subjected to grooming behaviours.

**Mount Annan Christian College has zero tolerance for child abuse and is committed to the protection of all children and young people from all forms of child abuse.**

This Child Protection Program is made up of work systems, practices, policies and procedures designed to maintain a child safe environment and to embed an organisational culture of child safety within the School community.

The Program deals specifically with child protection issues and is designed to ensure compliance with child protection laws and regulation in NSW.

Broader child safety issues arising from our common law duty of care are dealt with through our student Duty of Care policies and procedures.



If you have a belief or suspicion that a child or young person has suffered, is suffering, or is at unacceptable risk of suffering, harm of abuse contact Family & Community Services (FACS) by phoning the child Protection Helpline on 132 111.

Where you need guidance on making a report or have questions regarding child safety, contact one of the School's appointed Child Protection Officers. The Child Protection Officers are:

- Mr Gabi Korocz Senior Child Protection Officer – Headmaster; [headmaster@macc.nsw.edu.au](mailto:headmaster@macc.nsw.edu.au)
- Mr Mark Camilleri – Head of Secondary: [markc@macc.nsw.edu.au](mailto:markc@macc.nsw.edu.au)
- Mrs Debbie Pope – Head of Primary; [debbiep@macc.nsw.edu.au](mailto:debbiep@macc.nsw.edu.au)
- Mr David Chegade – Head of Operations; [davidc@macc.nsw.edu.au](mailto:davidc@macc.nsw.edu.au)

Whenever there are concerns that a child or young person is in immediate danger the Police should be called on 000.

## Our Senior Child Protection Officer

Mount Annan Christian College has appointed **Mr Gabi Korocz** as the School's Senior Child Protection Officer. The Senior Child Protection Officer has an important role in the promotion and maintenance of a child protection culture at the School.

The Senior Child Protection Officer is identified in our publicly available Statement of Commitment to Child Safety as the individual and the wider community is to initially contact when they have child protection concerns relating to the College.

The Senior Child Protection Officer is contactable by phone on **4634 7474** or by emailing [headmaster@macc.nsw.edu.au](mailto:headmaster@macc.nsw.edu.au)

## Our Child Protection Officers – Make a Report

Our Child Protection Officers are the first step to answer any questions that you may have with respect to our statement of commitment to child safety, child safety code of conduct and our child protection programs. These are underpinned by our Child Protection Policy that is available on our staff portal under the documents section.

The School's Child Protection Officers are a **point of contact for reporting child**

**protection matters** at the School. They receive special training that enables them to deal with child protection concerns both sensitively and effectively.

Child Protection Officers are selected based on a number of considerations, including but not limited to:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental,
- calm, resilient and demonstrates a high degree of integrity and respect for confidentiality
- their role within the School, for example, a person who has seniority and experience working with complex student and family issues at the School
- Someone who is readily accessible and available to all members of the School community and has a trusted profile within the School, for example, a person who is approachable, who students and staff trust and who is willing and able to respond to issues personally and sensitively.

Reporting sensitive child protection matters, or concerns regarding students can be made in the following ways:

- Using the MACCare incident reporting system on the staff portal.
  - This system is confidential and is a place to record any issue relating to a child's wellbeing.
  - The system collects the information and alerts the child protection officers at MACC via email.
  - Emails, photos, documents and other information can be uploaded to support the record.
- Tell one of the child protection officers immediately you are concerned about the welfare of a child.
- The officer will use the Mandatory Reporters Guide (MRG) to determine if the matter is reportable.
- Matters not reportable by law are still required to be recorded and investigated at a school level to ensure the student is receiving all the required support and processes put in place to keep the student safe.

**Child abuse includes:**



- neglect
- physical abuse
- sexual abuse
- serious emotional or psychological harm by a parent or carer
- exposure to domestic or family violence.

**Grooming** is a recognised form of child abuse under the Crimes Act 1900 (NSW), and grooming behaviours are:

- a criminal offence under the Crimes Act 1900 (NSW)
- an example of sexual misconduct which must be reported to the NSW Ombudsman under
- the Ombudsman Act 1974 (NSW)
- conduct which may place a child or young person at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

Grooming behaviours must be reported internally to a Child Protection Officer.

If you have any concern that a child or young person may be experiencing any form of abuse, neglect or grooming, whether or not you have formed a reasonable suspicion that the abuse, neglect or grooming has occurred, you should immediately raise your concerns with one of our Child Protection Officers.

The welfare and best interests of children and young people are paramount.



## Definition of Child Abuse

### Child Abuse

Section 23 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) defines a child or young person to be **“at risk of significant harm”** if current concern 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.

A child is defined by the Act as a person who is under the age of 16 years.

A young person is defined by the Act as a person who is aged 16 years and above, but who is under the age of 18 years.

All forms of child abuse are an offence under sections 227 and 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW).

## Family Violence

The NSW Crimes (Domestic and Personal Violence) Act 2007 (NSW) sets out the various criminal offences and procedural matters relating to domestic and family violence in NSW.

The Act defines a “domestic violence offence” as a “personal violence offence” committed by a person against another person with whom they have or had a domestic relationship.

A personal violence offence includes multiple offences under the Crimes Act 1900 (NSW).

Section 4AB of the Family Law Act 1975 (Cth) defines family violence as violent, threatening or other behaviour by a person that coerces or controls a member of the person's family or causes the family member to be fearful. Examples of this behaviour include, but are not limited to:

- assault, including sexual abuse or other sexually abusive behaviour
- stalking
- repeated derogatory taunts
- intentionally damaging or destroying property
- unreasonably denying the family member the financial autonomy that he or she would otherwise have.

Section 4AB of the Family Law Act 1975 (Cth) states that abuse, in relation to a child, includes “causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence”.

Section 4AB states that a child is exposed to family violence if the child sees or hears family violence or experiences the effect of family violence.



## Physical Abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer 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
- female genital mutilation.

Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints.

### Possible Physical Indicators of Physical Abuse:

- unexplained bruises
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs,
- arms or inner thighs any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
- dislocations, sprains, twisting injuries
- fractures of the skull, jaw, nose or limbs, especially in younger children, and those not consistent with the explanation offered or with the type of injury
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia
- human bite marks
- bald patches where hair has been pulled out
- multiple injuries, old and new.



### **Possible Behavioural Indicators of Physical Abuse:**

- inconsistent or unlikely explanation for an injury
- inability to remember the cause of an injury
- fear of specific people
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries
- wariness or fear of a parent/carer and reluctance to go home
- no reaction or little emotion displayed when hurt
- little or no fear when threatened
- habitual absences from the School without explanations (the parent/carer may be keeping the child or young person away until signs of injury have disappeared)
- overly compliant, shy, withdrawn, passive and uncommunicative
- fearfulness when other children cry or shout
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and / or others
- excessively friendly with strangers
- regressive behaviour, such as bed wetting or soiling
- poor sleeping patterns, fear of dark, nightmares
- sadness and frequent crying
- drug or alcohol misuse
- poor memory and concentration
- suicide attempts
- academic problems.



## Sexual Abuse

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 and young people are bribed or threatened physically or psychologically to make them participate in the activity.

Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person, including the following:

### Contact Behaviours:

- kissing, touching or fondling a child or young person in a sexual manner
- penetration of the vagina or anus by digital, penile, or any other object
- oral sexual contact
- coercing the child or young person to perform a sexual act on him/herself or anyone else.

### Non-Contact Behaviours:

- flashing/exposing to a child or young person
- having a child or young person pose or perform in a sexual manner
- looking at a child's or young person's genitals for sexual gratification
- exposure to sexually explicit material or acts (including pornographic material)
- communication of graphic sexual matters (including by social media or any other electronic means).

Sexual abuse also includes prostitution or exposure to circumstances where there is a risk that the child or young person may be sexually exploited.



**Possible Physical Indicators of Sexual Abuse:**

- injury to the genital or rectal areas, such as bruising or bleeding
- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating
- the presence of foreign bodies in vagina and/or rectum
- inflammation or infection of the genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections.

**Possible Behavioural Indicators of Sexual Abuse:**

- the student discloses sexual abuse
- persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at the School and leaving late
- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting
- sleeping difficulties
- reluctance to participate in physical or recreational activities



- regressive behaviour, such as bed wetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour
- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing, or layers of clothes to hide injuries
- promiscuity.



### **Student-to-Student Offending**

If you are concerned that a child or young person (under the age of 18) may have initiated sexually abusive behaviour to others, you must report your concern to Family and Community Services (FACS) on 132 111.

### **Grooming Behaviours**

Grooming behaviour refers to predatory conduct undertaken to prepare a child or young person for sexual activity at a later time. Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour.

It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Perpetrators can groom a child, as well as other people in the child's life, for example parents/carers and other staff members at the School.

The following are offences under the Crimes Act 1900 (NSW):

- Section 66EB: Grooming or procuring a child under the age of 16 years for unlawful sexual activity, carrying a maximum 12-year term of imprisonment.
- Section 66EC: Grooming a person for unlawful sexual activity with a child under the person's authority, carrying a 5 or 6-year term of imprisonment (depending on the age of the child).

"Under the authority" means under the care, or under the supervision or authority, of the other person. This includes the relationship between a student and a Headmaster, teacher/volunteer/contractor.

These offences only apply to children (a person under the age of 16). The grooming of a young person, while not a crime, must still be reported to the Headmaster.

A failure to reduce or remove the risk of a child becoming a victim of grooming may also constitute a criminal offence.

Grooming is a recognised form of child abuse under the Crimes Act 1900 (NSW), and grooming behaviours are:

- an example of sexual misconduct which must be reported to the NSW Ombudsman under the Ombudsman Act 1974 (NSW), and
- conduct which may place a child or young person at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

### **Online Grooming:**

Under section 66EB, the criminal offence of grooming includes:

- an adult (18 years or over) who engages in any conduct that exposes a child to indecent material or provides a child with an intoxicating substance, and
- who does so with the intention of making it easier to procure the child for unlawful sexual activity with that or any other person.

“Conduct” is defined to include:

- communicating in person or by telephone, the internet or other means, or
- providing any computer image, video or publication.

### **An adult:**

- who intentionally meets a child, or travels with the intention of meeting a child, whom the adult has groomed for sexual purposes.
- who does so with the intention of procuring the child for unlawful sexual activity with that adult person or any other person, is guilty of an offence.

Under section 66EC, the criminal offence of grooming a person for unlawful sexual activity with a child (under the ages of 16) under the person’s authority includes:

- an adult (18 years or over) who provides a person (other than the child) with any financial or other benefit, and
- who does so with the intention of making it easier to procure a child who is under the authority of the person (under the care, or under the supervision or authority, of the other person) for unlawful sexual activity with the adult person or any other person, is guilty of an offence.

### **Possible Indicators of Adult Grooming Behaviours in the School Context:**

The types of behaviours that may lead to a conclusion of grooming behaviour include (but are not limited to) the following:

Persuading a student that they have a special relationship with the adult, for example, by:

- spending inappropriate special time with the



student

- inappropriately giving gifts to the student
- inappropriately showing special favour to a student but no other students
- inappropriately allowing the student to overstep rules
- asking the student to keep the special relationship secret.

testing boundaries, for example, by:

- undressing in front of a student
- encouraging inappropriate physical conduct, even where it is not overtly sexual
- talking about sex
- 'accidental' intimate touching
- inappropriately extending a relationship out of school hours  
(an example of where this may be appropriate is where there is a pre-existing friendship with the student's family)
- inappropriate personal communication with a student including emails, telephone calls, text messaging, social media or other forms of online communication
- being overly interested in the student's sexual development
- offering to help a student to improve their performance at school
- taking a lot of photos of a student
- sharing alcohol or drugs with a student
- making jokes or innuendo of a sexual nature
- inviting or allowing students to attend a staff member's home without



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parental/carer permission

- entering change rooms or toilets occupied by students when supervision is not required or appropriate.



### **Possible Indicators That a Child or Young Person May Be Subject to Grooming:**

- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'
- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or the School or 'down the street'.

### **Possible Indicators That a Child or Young Person May Be Subject to Online Grooming:**

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increased or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met offline.



### **What is Not Grooming?**

Certain behaviours or acts will not in isolation constitute grooming behaviour.

However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Similarly, not all physical contact between a student and a staff member or any person engaged by the School to provide services to children, including a Volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

### **Serious Emotional or Psychological Harm**

Serious psychological harm can occur where the behaviour of a child's or young person's parent or carer damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or 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.



**Possible Physical Indicators of Serious Emotional or Psychological Harm:**

- speech disorders
- delays in emotional, mental or even physical development
- physical signs of self-harming.

**Possible Behavioural Indicators of Serious Emotional or Psychological Harm:**

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.



## Neglect

Neglect is the continued failure by a parent or carer to provide a child or young person with the basic things needed for their proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

### **Possible Physical Indicators of Serious Neglect:**

- consistently dirty and unwashed
- low weight for age and/or failure to thrive and develop
- consistently inappropriately dressed for weather conditions
- consistently without adequate supervision and at risk of injury or harm
- consistently hungry, tired and listless, falling asleep in class, or malnourished
- unattended health problems and lack of routine medical care
- inadequate shelter and unsafe or unsanitary conditions
- abandonment by parents/carers
- poor hygiene.

### **Possible Behavioural Indicators of Serious Neglect:**

- scavenging or stealing food
- gorging when food is available
- inability to eat when extremely hungry
- alienated from peers, withdrawn, listless, pale, and thin
- aggressive behaviour
- delinquent acts, for example, vandalism, drug or alcohol abuse
- little positive interaction with parent/carer
- appearing miserable or irritable
- poor socialising habits
- poor evidence of bonding, or little stranger anxiety
- indiscriminate with affection
- poor, irregular or non-attendance at the School



- staying at the School for excessively long hours
- self-destructive
- dropping out of school
- taking on an adult role of caring for a parent/carer
- misusing alcohol or drugs
- academic issues.

## Family Violence

Family violence is behaviour towards a family member that may include:

- physical violence or threats of violence
- verbal abuse, including threats
- emotional or psychological abuse
- sexual abuse
- financial and social abuse.

When dealing with children it is important to remember that “family violence” extends to behaviour that causes a child to hear, witness, or be exposed to the effects of “family violence”. A child’s exposure to family violence constitutes child abuse under the Family Law Act 1975 (Cth).

Examples of situations that may constitute a child being exposed to family violence include the child:

- overhearing threats of death or personal injury by a member of the child’s family towards another member of the child’s family, or
- seeing or hearing an assault of a member of the child’s family by another member of the child’s family.

As family violence can result in one or more forms of child abuse (being neglect, physical or sexual abuse or emotional or psychological harm) physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Behavioural indicators for older children and young people may include:

- moving away or running away from the family home
- entering a relationship early to escape the family home
- experiencing violence in their own dating relationships
- involvement in criminal activity
- alcohol and substance abuse.



## Mount Annan Christian College

### Statement of Commitment to Child Safety

#### Objectives

This Statement provides the framework for:

- the development of work systems, practices, policies and procedures that promote child protection, safety and wellbeing within the School
- the creation of a safe and supportive School environment and a positive and robust child protection culture
- the promotion and open discussion of child protection issues within the School
- complying with all laws, regulations and standards relevant to child protection in NSW.

#### Statement of Commitment

Mount Annan Christian College is committed to providing education and care to children and young people to assist them to develop into high-achieving, supported students, positively connected to each other and to the communities in which they live and which they will serve.

The School is committed to ensuring the safety, welfare and wellbeing of all children and young people at the School and is dedicated to protecting them from abuse and harm.

At Mount Annan Christian College, we have a zero tolerance for child abuse. The School regards its child protection responsibilities with the utmost importance, and as such is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and to maintain safe and supportive School physical and online environments for all children and young people.

#### Child Safe Values and Principles

The following child safe principles guide the School's commitment to child safety and form the basis for all child protection policies and procedures at the School.

1. All children and young people have the right to be safe and treated fairly.
2. The welfare and best interests of children and young people are paramount.
3. The views and the privacy of children and young people must be respected.
4. Clear expectations for appropriate behaviour with children and young people are

established in our Child Safety Code of Conduct.

5. The safety of children and young people is dependent upon the existence of a child safe culture.

6. Child safety awareness is promoted and openly discussed within our school community.

7. Procedures are in place to screen all staff, Volunteers, Contractors and External Education Providers who have direct contact with children and young people.

8. Child safety and protection is everyone's responsibility.

9. Child protection training is mandatory for all Board members, staff members and Direct Contact Volunteers.

10. Procedures for responding to alleged or suspected incidents of child abuse and harm are simple and accessible for all members of the School community, and all are welcome and encouraged to use them.

11. Procedures are in place to ensure all School premises are designed to ensure the safety of children.



## **Child Protection Officers**

As part of our commitment to child safety and protection, MACC has appointed a number of Child Protection Officers as honest, mature, ethical and experienced members of the School community who can deal with sensitive issues relating to child protection and safety.

Our Child Protection Officers are available to answer any questions that you may have with respect to our Statement of Commitment to Child Safety and the Child Protection Program.

## **Responsibilities**

The School acknowledges that child protection is everyone's responsibility.

At MACC, all members of the Board of Directors, staff members, Volunteers, Third Party Contractors and External Education Providers have a shared responsibility for contributing to the safety and protection of children and young people.

## **Reporting Child Protection Concerns**

Our Child Protection Program provides detailed guidance for all members of the School community as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of our School's nominated Child Protection Officers. It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant external authorities.

Staff, Volunteers, Third Party Contractors, External Education Providers, students, parents/carers or other community members who have concerns that a child or young person may be subject to abuse are asked to contact one of the School's Child Protection Officers.

Communications will be treated confidentially on a 'need to know basis'.

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

## **Program Compliance and Review**

MACC is committed to the continuous improvement of our Child Protection Program and to ensuring the School's compliance with NSW child protection law and regulation.

The Program is regularly reviewed for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.



## Child Safety Code of Conduct

A Child Safety Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It provides a high-level statement of professional boundaries, ethical behaviour and acceptable and unacceptable relationships.

When individuals are clear about behavioural expectations, they are much more likely to act appropriately with each other, and with children and young people.

When everyone is educated about the Code of Conduct and the reasons it is so important to uphold, the School environment becomes much more transparent and people are accountable for their behaviour. Above all, a Child Safety Code of Conduct helps to protect children and young people from harm.

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### Mount Annan Christian College Child Safety Code of Conduct

MACC has the following expectations of behaviours and boundaries for all individuals interacting with students within our School community.

- Uphold MACC's Statement of Commitment to Child Safety at all times.
- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to student safety and child protection issues.
- Provide age-appropriate supervision for students.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with a disability.
- Promote the cultural safety, participation and empowerment of linguistically and culturally diverse students.
- Use positive and affirming language towards students.
- Encourage students to 'have a say' and then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact, and socialise.

- Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- Report any breaches of this Child Safety Code of Conduct.
- Report concerns about child safety to one of the School's Child Protection Officers and ensure that your legal obligations to report allegations externally are met.
- Where an allegation of child abuse is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

## **Disciplinary Procedures**

Where a staff member breaches the Code, Mount Annan Christian College may take disciplinary action, including in the case of serious breaches, dismissal.

Where any other member of the School community breaches any obligation, duty or responsibility within our Child Safety Code of Conduct, MACC will take appropriate action.

### **Report Any Child Protection Concerns**

All breaches and suspected breaches of the MACC's Child Safety Code of Conduct must be reported to the Headmaster or a Child Protection Officer.

Our Child Protection Program also includes information for staff members, Board members and Direct Contact Volunteers as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of the School's Child Protection Officers. It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Indirect Contact Volunteers, Third Party Contractors, External Education Providers, students, parents/carers or other community members who have concerns that a child or young person may be subject to abuse are asked to contact one of the School's Child Protection Officers.

Communications will be treated confidentially on a 'need to know basis'.

Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.



## **Staff and Student Professional Boundaries**

This policy applies to all teaching staff, boarding staff, non-teaching staff, Board of Directors members, Volunteers, Third Party Contractors and External Education Providers (together, known as "staff" for the purposes of this policy only).

Mount Annan Christian College staff hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against staff.

### **Mount Annan Christian College**

#### **Staff and Student Professional Boundaries Policy**

MACC is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

It is our policy that:

- staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- staff identify, discourage and reject any advances of a sexual nature initiated by a student
- staff interaction with students is professional at all times, including inside and outside of school hours
- conflict of interest issues must be reported to the Headmaster as soon as practicable
- equal learning opportunities are given to each student without discrimination
- appropriate consequences will be applied to staff who breach professional boundaries.



### **What are Professional Boundaries?**

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that School staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive, and, given that sometimes “grey areas” may occur, it is expected that all staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- How would I feel about explaining my actions at a staff meeting?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular student?



### **Intimate Relationships**

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/carers.

Such relationships have a negative impact on the teaching and learning of students and colleagues and may carry a serious reputational risk for the staff member and, in turn, the School.

The professional relationship of staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g. pornography)
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so.

The imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School as there may be a reasonable belief that the emotional intimacy of the relationship developed while



the staff/student relationship existed.

### **Personal Relationships**

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or carers.

It is the student's perception of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between staff and students may be compromised by staff:

- attending parties or socialising with students outside of organised School events (without parental/carer permission)
- sharing personal details about their private lives with students
- meeting with students outside of school hours without permission from the School.

Staff must recognise at all times that their role is not to be a "friend" or "parent" to a student.

### **Fair Learning Opportunities**

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality,

disability or religious or political conviction

- always making decisions in students' best interests.

### **Electronic Communications between Staff and Students**

It is expected that all staff at the School will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between staff and students should be via the School email system and reflect a professional staff/student relationship
- staff should not communicate with students via text message where it is not in a professional context
- staff should not give out their personal telephone numbers or social media contact details
- staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the School
- staff should not exchange personal pictures with a student
- teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the School should only be used for School communications.

### **Physical Contact with Students**

All staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all staff at the School should adhere to the following guidelines for contact with students both in and outside of the School grounds:

- staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact



situations. Once consent has been withdrawn no further contact can be or should be made.

### **Off-Campus Excursions and Camps**

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

### **Managing Conflicts of Interest**

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in close or rural communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, staff need to be far more diligent in developing and maintaining these boundaries.

Where a staff member feels that a conflict of interest may exist, they should notify the Headmaster, or the Chair of the Board if the conflict involves the Headmaster and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the School (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

### **Staff Responsibilities**

All staff are to:

- follow the guidelines as set out in this policy
- immediately report any conflicts of interest
- remove themselves from decision making where a conflict has been identified.

Where a staff member breaches this policy MACC may take disciplinary action, including in the case of serious breaches, dismissal (where appropriate).

### **Implementation**

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent/carer education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures (MACCare)
- initiation of corrective actions where necessary.

### **Who is Responsible for Child Protection?**

Child protection is everyone's responsibility.

Society as a whole shares responsibility for promoting the safety and protection of children and young people from abuse, neglect and grooming behaviours.

In the School context, all members of the School community have their role to play – teachers, staff, administrators, parents/carers, Volunteers and students. That said, the School's Executive Team are committed to 'leading from the front' and engaging in a preventative, proactive and participatory approach to child protection issues.

Students are encouraged to take an active role in developing and maintaining a child safe environment at the School and are provided with opportunities to contribute and give feedback in the development of the School's policies and practices. Students are also made aware of the avenues available to them to report



or disclose abuse or concerns for their safety or the safety of others.

Key Roles and Responsibilities include:

1. The Board of Directors
2. The Headmaster
3. The School's Child Protection Officers
4. Staff Members
5. Volunteers
6. Third Party Contractors
7. External Education Providers



## **Board of Directors Responsibilities**

The Board of Directors is required to approve the School's Statement of Commitment to Child Safety and to ensure the Child Protection Program is being effectively implemented. Each member must:

- acquire and keep up-to-date knowledge of child protection matters
- have an understanding of the nature of the School's operations and the child protection risks associated with these operations
- ensure that the School has appropriate resources to effectively implement its Statement of Commitment to Child Safety and Child Protection Program
- ensure that the School has appropriate processes for receiving and considering information regarding child protection issues and is able to respond in a timely way to that information
- ensure that the School has and implements processes to ensure that the School is complying with its legal and regulatory obligations with respect to child protection
- ensure that the School has developed and implements processes to ensure ongoing monitoring to verify the provision and use of the resources that have been allocated to the management of child protection issues within the School and their effectiveness.



## **The Headmaster's Responsibilities**

The Board of Directors delegates day-to-day management of the School to the Headmaster.

The Headmaster is ultimately responsible, and will be accountable, for taking all practical measures to ensure that:

- the School's Statement of Commitment to Child Safety and Child Protection Program are implemented effectively with available resources effectively deployed
- appropriate School Child Protection Officers are appointed and trained
- a strong and sustainable child protection culture is maintained within the School
- any child protection incidents arising are dealt with professionally and in a timely manner
- the School's Board receives regular reports with respect to child protection matters
- the School is complying with its legal and regulatory obligations with respect to child protection.



A number of senior staff members are nominated as the School's Child Protection Officers.

**Key responsibilities for the School's Child Protection Officers include:**

- having a good working knowledge of the School's Child Protection Program
- being a point of contact for staff, or other members of the School community, to raise child protection concerns within the School
- communicating the School's child protection policies and procedures to all stakeholders including students, parents/carers, staff and Volunteers
- ensuring that the School's Statement of Commitment to Child Safety and Child Protection Program are being implemented effectively
- ensuring that all staff, Board members and Volunteers undertake child protection training so that they are able to identify signs of abuse, neglect or grooming, and understand how to respond and when to make a referral either internally or to an external agency
- inducting and managing the training of new staff members, Board members, Direct Contact Volunteers in the School's Child Protection Program,

## Child Protection Law and Regulation – An Overview

The legal and regulatory framework for child protection in NSW is made up of a complex web of laws, regulations and guidance notes.

This commentary below provides an overview of the framework.

## Prescriptive Legal and Regulatory Requirements

There are eight separate pieces of legislation that work together to make up the legal and regulatory framework for child protection in NSW. They are in summary:

### **Education Act 1990 (NSW)**

From a child safety perspective, a key function of the Education Act is to prescribe the registration requirement for non-government schools to have a Safe and Supportive environment.

### **Safe and Supportive Environments**

These requirements are designed to foster the provision of a safe and supportive School environment in which students can develop their educational potential.

Student welfare encompasses the mental, physical and emotional wellbeing of students. The provision of student welfare policies and programs is essential in developing a sense of self-worth and fostering personal development.

It is a requirement of registration that the School meets its legislative child protection requirements identified by the Education Act. NESA provides further guidance on how to meet this obligation in section 3.6 of the Registered and Accredited Individual Non-Government Schools (NSW) Manual.

### **Children and Young Persons (Care and Protection) Act 1998 (NSW)**

The Children and Young Persons (Care and Protection) Act has a number of functions, including to:

- provide for the care and protection of, and the provision of services to, children and young persons
- provide for the sharing of information relating to the safety, welfare or wellbeing of children and young persons
- establish key responsibilities governing child protection intervention.

### **Child Protection (Working with Children) Act 2012 (NSW) and Child Protection (Working with Children) Regulation 2013 (NSW)**

The Child Protection (Working with Children) Act 2012 and Regulation 2013 aim to protect children and young people from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid or volunteer child-related work in NSW.

People who are assessed as posing an unjustifiable risk to the safety of children and young people will fail the Working with Children Check, and the Act prohibits these people from working with children and young people.

The Act imposes penalties for schools and individuals that do not comply with the Act.

### **Ombudsman Act 1974 (NSW)**

From a child safety perspective, the key function of the Ombudsman Act is to require the School to investigate allegations of employee misconduct, or conviction relating to the reportable conduct, of staff and Volunteers at the School and report the allegations to the NSW Ombudsman.

Note that under the Ombudsman Act, a child is defined as a person under the age of 18 years.

### **Crimes Act 1900 (NSW)**

The Crimes Act in NSW sets out a number of child protection related offences, including those related to indecent acts and sexual abuse of a child. Of key relevance to the NSW child protection framework are:

- grooming offences
- the failure to reduce or remove risk of child becoming victim of child abuse
- sexual touching of young person between 16 and 18 under special care
- concealing child abuse.

### **Family Law Act 1975 (Cth)**

NSW has its own state-based family violence legislation – the Crimes (Domestic and Personal Violence) Act 2007 (NSW) – however the Act provides predominantly procedural information (how the Courts operate regarding domestic and personal violence). For this reason, the School looks to the Federal Family Law Act 1975 (Cth) for the definition of ‘family violence’.

Critically, the Family Law Act's extensive definition of “family violence” includes behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour.

### **Civil Liability Act 2002 (NSW)**

The Civil Liability Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in NSW, as a result of negligence or fault. It is through this Act that child abuse victims may claim compensation for loss arising from child abuse.

Section 6F of the Civil Liability Act imposes a duty of care on the School to take reasonable precautions to prevent an individual associated with the School from perpetrating physical or sexual abuse of a child in connection with the School's responsibility for the child. If the School is involved in a negligence proceeding under the Civil Liability Act, the School is presumed to have breached its duty of care unless it establishes that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law. The effective implementation of the School's risk management strategies in Child Protection Risk Management is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.



## **Our Child Protection Program**

To comply with our Safe and Supportive Environment registration requirements and each of the eight separate pieces of legislation noted above, MACC has established this Child Protection Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop safe and supportive School environments and a child safe culture.

### **Safe and Supportive Environments**

Section 47 of the Education Act 1990 (NSW) sets out 13 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(g) of the Act, is that “a safe and supportive environment is provided for students”.

The NSW Education Standards Authority (NESA) has published the Registration Manual which provides information about the requirements for registered and accredited non-government schools under the Education Act 1990 (NSW).

The requirement for a safe and supportive environment for students at the School is divided into two distinct categories:

- compliance with child protection legislative requirements
- policies and procedures for student welfare and safety.

### **Creating and Maintaining Child Safe Environments**

MACC has adopted several key strategies as controls for identifying and removing child protection risks and to promote the participation and empowerment of children and young people to ensure that students feel safe and supported in all School environments. These are as follows:

- Child Safe Human Resources Practices
- Child Safe Recruitment Practices
- Working with Children Checks
- Child Protection Training
- Our Child Safe Culture
- Pastoral Care

## **Child-Safe Human Resources Practices**

Mount Annan Christian College only engages people who are suitable to work with students at the School and has developed and implemented child safe human resources practices accordingly.

In addition to ensuring Working with Children Checks are completed in accordance with our legal obligations, the School is committed to ensuring that newly recruited and existing staff, Board members and volunteers understand the importance of child safety, are aware of all relevant policies and procedures, and are trained to minimise the risk of child abuse, neglect and grooming.

This is done through various human resources work systems, practices, policies and procedures designed to protect children and young people from abuse, neglect and grooming and create a child safe culture. This includes:

- Child Safe Recruitment Practices
- Working with Children Checks
- Management of Staff, Volunteers, contractors
- Our Child Safe Culture

## Working with Children Checks

### Source of Obligation

The Child Protection (Working with Children) Act 2012 (NSW) (the Act) and the Child Protection (Working with Children) Regulation 2013 (NSW) (the Regulation) aim to protect children and young people from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks (WWC Checks).

The School, our staff, Direct Contact Volunteers and others have a number of responsibilities and obligations under the Act and the Regulation which are outlined in this policy.

### Who Needs a WWC Check?

Subject to the exemptions referred to below, any worker who engages in child-related work that involves direct contact (physical or face-to-face contact) with a child or children\*, where that contact is a usual part of and more than incidental to the work, must undergo a WWC Check.

\*Under the Act, a child is defined as a person who is under the age of 18 years.

### Who is a 'Worker'?

A worker means any person who is engaged in work, as:

- an employee
- a self-employed person
- a contractor or subcontractor (Third Party Contractor)
- a Volunteer
- a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)
- a minister, priest, rabbi, mufi or other like religious leader, or spiritual officer of a religion, or another member of a religious organisation.

### Under the Regulation:

(section 16A) a cleaner providing cleaning services at the School is child-related work, and

(section 16D) a worker providing ongoing, counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face-to-face contact, where that contact is a usual part of and more than incidental to the work).

## **Child Protection Training**

MACC recognises that without training and education of our staff, Board members, Direct Contact Volunteers and Direct Contact Contractors, our policies and procedures will not operate to effectively keep our students safe and protect them from abuse.

Mount Annan Christian College staff, Board members, Direct Contact Volunteers and Direct Contact Contractors receive child protection training when they first commence their role at the School and are required to complete ongoing training on child protection issues at least annually.

All staff, Board members, Direct Contact Volunteers and Direct Contact Contractors are required to undertake role-appropriate training throughout each year.

The School's Child Protection Officers, and other selected staff, undertake additional training as considered appropriate to their roles.

## **Child Protection Training Record Keeping**

The School creates and maintains electronic records of child protection training completed by staff, Board members and Direct Contact Volunteers.

## **Child Protection Risk Management**

The School has adopted a risk management approach to child protection by developing and implementing strategies to identify and mitigate our child protection risks based on:

- the nature of all School environments – physical and online
- the activities students undertake at the School (including the provision of services by contractors or outside the School's physical environment)
- physical and online environments that exist at the School
- the characteristics and needs of all of our students.



## **Procedures for Responding to and Reporting Suspected Child Protection Incidents**

Child abuse, neglect and grooming can take many forms. The abuser or perpetrator may be a parent, carer, staff member, Volunteer, another adult or even another child. Unfortunately, the nature of child abuse, neglect or grooming is complex. The abuse, neglect or grooming may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse, neglect and grooming can vary depending on the circumstances of the incident.

The School will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, grooming, inappropriate behaviour, and any other concerns about child safety, by reporting all matters to Family and Community Services (FACS), or the Police, depending on the allegation or disclosure made.



### **Private Disclosure by a Child or Young Person**

If a student discloses a situation of abuse, neglect or grooming to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the student. You can do this by:

- stating clearly that the abuse, neglect or grooming is not their fault
- reassuring them that you believe them
- telling them that disclosing the matter is the right thing to do.

You should be patient and allow the student to talk at their own pace. When responding you should use their own language and vocabulary.

The School Child Protection Policy should be read in conjunction with this Child Protection Program.

End

Dated:18 March 2019  
Review due: March 2020