



MOUNT ANNAN
CHRISTIAN COLLEGE

CHILD PROTECTION POLICY

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MOUNT ANNAN CHRISTIAN COLLEGE

CHILD PROTECTION POLICY FOR EMPLOYEES AND VOLUNTEERS

1. VISION STATEMENT

To provide a Christ-centred learning environment that empowers each individual to live a life of purpose.

2. INTRODUCTION AND PURPOSE

Mount Annan Christian College is committed to providing a safe and supportive environment for all its students. The College's Christian values affirm the highest standards of ethical conduct in relation to the care, support, and welfare of students.

This Child Protection Policy applies to all persons engaged to work in, or to provide services to, Mount Annan Christian College and its students.

This policy is intended to:

- (a) Provide a guide to School Community Members about how to behave appropriately with students in the College.
- (b) Clarify the parameters of appropriate and inappropriate conduct for College staff and volunteers in order to create a safe and supportive environment for students in accordance with the College's Christian vision and values.
- (c) Model a safe, supportive, contemporary educational workplace that is faith-filled, collaborative, consultative, and lawfully compliant in relation to child protection practice.
- (d) Provide the basis upon which other MACC Child Protection Policies and Procedures are to be interpreted and understood.

Before commencement of employment or engagement with the College, or as soon as practicable thereafter, all School Community Members are to ensure that they read, understand and sign this Child Protection Policy.

3. GUIDING PRINCIPLES

- (a) In all actions relating to this Policy, the best interest of the child is the paramount consideration.
- (b) Biblical principles regarding the family are to be respected at all times, although these are not to be applied to the detriment of the well-being of the child.
- (c) All persons involved in circumstances where abuse is suspected or disclosed are to be treated with sensitivity, dignity and respect.
- (d) Anyone with information regarding a Child Protection matter is to observe strict confidentiality in relation to all parties. **These issues are only to be discussed with the Headmaster (or Senior Executive Staff in the Headmaster's absence.)**
- (e) As Head of Agency of Mount Annan Christian College, the Headmaster has numerous responsibilities described in this Policy. If circumstances ever arose where an alleged concern involves actions or neglect by the Headmaster then that matter is to be reported directly to the Chairman of the College Board of Directors.

- (f) In the event of any conflict between this Policy and applicable legislation (see Section 5 below) then the provisions of legislation take precedence.

4. RELATED POLICIES AND PROCEDURES

This policy is to be read in conjunction with other MACC Child Protection Policies and Procedures:

- Child Protection Procedures – Allegations of Reportable Conduct
- Child Protection Code of Conduct

5. LEGISLATION

Child protection legislation sets out the legal and regulatory requirements around the interaction with Students, the care of Students, and the reporting of conduct of concern. Legislation applicable in NSW includes:

NEW SOUTH WALES

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013 (NSW)
- Ombudsman Act 1974 (NSW)
- Crimes Act 1900 (NSW)

COMMONWEALTH OF AUSTRALIA

- Family Law Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)

UNITED NATIONS

- Convention on the Rights of the Child
- Declaration of the Rights of the Child

Useful Links:

- [Family & Community Services – Child Wellbeing & Child Protection Guidelines](#)
- [Mandatory Reporter Guide](#)
- [Signs of Abuse or Neglect](#)
- [NSW Ombudsman - Employment Related Child Protection](#)
- [The Working with Children Check](#)
- [Working With Children - Fact Sheets and Resources](#)

6. DEFINITIONS

The following definitions apply to Mount Annan Christian School Child Protection Policies and Procedures:

(a) *Student or Students* refers to:

- a Child or Children (i.e. persons under the age of 16 years);
- a Young Person or Persons (i.e. persons between the ages of 16 and 18); and
- any enrolled student of the College over the age of 18 years.

(b) *Parent or Parents* refers to a Student's biological parents, adoptive parents, legal guardians and/or caregivers.

(c) *School Community Member or Members* refers to:

- All paid employees of the College whether employed on a permanent, temporary or casual basis, and
- All persons who have been engaged to work within the College or who have face to face contact with students of the College in any place and on any basis, including persons holding a church ministry licence or church-appointed position, consultants, tutors, students on tertiary practicum placements, or adult volunteers working with students in any capacity.

(d) *Reportable Conduct* refers to conduct as described in Section 25A of the Ombudsman Act 1974 (NSW)

(e) *Risk of significant harm* refers to concern for the safety, welfare or wellbeing a child or young person where the circumstances are:

- Present to a significant extent;
- Sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent;
- Not minor or trivial;
- May reasonably be expected to produce a substantial and demonstrable adverse impact on their safety welfare or in the case of an unborn child, after the child's birth;
- May be a single act or omission or an accumulation of these

Risk of significant harm can include:

- Sexual abuse
- Physical abuse
- Psychological harm
- Relinquishing care
- Carer concerns (including parent/carer substance abuse; parent/carer mental health; parent carer domestic violence)
- Neglect (including supervision; physical shelter/environment; food; medical care; mental health care; education)

(f) *Grooming behaviour* refers to the manipulative cultivation of relationships by an adult in order to develop or maintain a sexual relationship with a child or young person. Such

relationships are typically cultivated with the family of the intended target, and with others around them including teachers, church workers, sports coaches and fellow students. Grooming involves a pattern of conduct that is consistent with the aim of developing a sexual relationship and for which there is no other reasonable explanation.

Grooming behaviour typically involves any or all of the following elements:

- Persuading a child or young person and those around them that a special relationship exists with the offending adult;
- Testing boundaries including codes of conduct and professional standards applying to the adult, and socially accepted norms of behaviour applying in the circumstances;
- Inappropriately extending the relationship outside the work environment or framework of authorised contact;
- Inappropriate personal communication with the child or young person involved.

7. DUTY OF CARE

All School Community Members have a duty to take reasonable care for the safety and welfare of students in their care. That duty is to consider and take all reasonable action to protect students from known hazards or risk of harm that can be reasonably predicted. The standard of care required of a School Community Member must take into consideration various factors, such as a student's maturity and ability.

The duty of care owed to students by all School Community Members applies during all activities and functions conducted or arranged by the College where a student is in the care of a College Community Member.

The risk associated with any activity needs to be assessed and managed by School Community Members before the activity is undertaken. A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or if there is the potential to cause significant harm to a student.

All School Community Members have a duty not to neglect the welfare of students. Neglect includes either an action or inaction by a person who has care responsibilities towards a student. It may include:

- (a) Supervisory neglect (failure to adequately supervise a student),
- (b) Carer neglect (grossly inadequate care of a student),
- (c) Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a student), and/or
- (d) Reckless acts or failure to act (including a gross breach of professional standards that may result in harm to a student).

In relation to this duty of care all School Community Members must participate in training opportunities as proposed to them by the College in order to maintain and update their understanding of child protection law and practice and the College's policies and procedures in relation to the care of students.

8. PROFESSIONAL CONDUCT TOWARDS STUDENTS

The College expects School Community Members to be caring, compassionate adults who treat students with respect and actively promote students' safety, welfare and wellbeing. Teachers are encouraged to build strong, trustworthy relationships with students where students can confidently share their personal and spiritual thoughts and feelings. Even so, School Community Members must maintain appropriate professional boundaries between themselves and students. Relationships between School Community Members and students must always be transparent and open to scrutiny. Examples of appropriate professional boundaries are described below.

8.1 PERSONAL RELATIONSHIPS / SOCIAL RELATIONSHIPS

Where personal or social relationships exist between a School Community Member and a student, such as a family relationship, friendship or outside social contact, the School Community Member must behave in a transparent and prudent fashion, and be mindful of any perceived conflicts of interest or purpose, and other associated risks. In circumstances where such relationships may appear to be questionable or inappropriate, or may appear to be in breach of any law, this Policy, or other relevant policy, the School Community Member must notify their supervisor as early as possible so that any potential or perceived conflicts may be carefully managed.

8.2 PHYSICAL FORCE & PSYCHOLOGICAL HARM

School Community Members must not:

- (a) Engage in inappropriate physical contact/force with a student including physical/corporal punishment of a child in the course of their role at College;
- (b) Act in ways that may reasonably cause a student to fear that unjustified force will be used against them, even if the actual use of force is not intended;
- (c) Behave in a manner which may cause psychological harm to a student; and/or

8.3 INAPPROPRIATE DISCIPLINE OF STUDENTS

Staff members are not to correct or discipline any student in excess of what is reasonable or appropriate for the situation. Put-downs or sarcasm, derogatory remarks, inappropriate familiarity or offensive comments must not be used to demean students. Likewise staff should consider the appropriateness of the tone and volume of their voice in the discipline of students.

8.4 INFORMATION & COMMUNICATION TECHNOLOGY (ICT)

- (a) When communicating with students, whether directly or indirectly (e.g. through social media), School Community Members are to maintain appropriate professional boundaries and comply with all College policies and procedures applicable to ICT.
- (b) School Community Members are prohibited from photographing or filming a Student other than for purposes approved by the College. Secretly taking photographs or other images of students, retaining them for unjustifiable purposes, sending them to other persons or posting them online is strictly prohibited.

8.5 ALCOHOL, DRUGS & TOBACCO

- (a) School Community Members must not purchase for, offer, supply, give or administer to a student, including those over the age of 18, illegal drugs, restricted substances, alcohol,

tobacco, prescribed and/or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy).

(b) School Community Members must not encourage or condone the use by a student of illegal drugs, restricted substances, alcohol, and/or tobacco.

(c) School Community Members must not consume illegal drugs, restricted substances, alcohol or tobacco on College premises or at any school-related activity where a student is present.

8.6 ONE-TO-ONE ACTIVITY WITH A STUDENT

(a) Whenever possible, ensure that another adult has line-of-sight and is fully aware of any one-to-one activity.

(b) If line-of-sight with awareness is not possible for a one-to-one activity, ensure that your supervisor is aware of all the circumstances. Wherever possible, gain your supervisor's approval before the activity.

(c) In all one-to-one activities with students, maximise your visibility and transparency, and seek to avoid circumstances that could be misinterpreted, e.g:

- disciplining or counselling a student in a private location
- personal or inappropriate physical contact
- being alone with a student in their home, your home or a vehicle
- assisting students to get changed or go to the toilet when they are capable of doing so themselves
- personal communications with students (e.g. email, phone calls, social media)

8.7 SEXUAL MISCONDUCT

School Community Members must not:

(a) Engage in any conduct with students that could be reasonably construed as crossing professional boundaries. Overly personal or intimate relationships with, conduct towards, or focus on a student or group of students would be considered as such. A single serious 'crossing of boundaries' or persistent less serious breaches by a School Community Member may constitute sexual misconduct, particularly if they know, or ought to know, that such behaviour is unacceptable.

(b) Engage in conduct that is reflective of grooming behaviour in relation to a student, and/or a student's family or friends.

(c) Make sexually explicit comments or engage in other sexually overt behaviour towards, or in the presence of, a student.

(d) Have an intimate or romantic or sexual relationship with any student regardless of their age. It is irrelevant whether the relationship is/is not consensual and/or condoned by parents,

(e) Commit a criminal offence involving a sexual element that is committed against, with or in the presence of a student or any child/children in any other circumstances.

9. THE WORKING WITH CHILDREN CHECK

It is an essential condition of employment/engagement at Mount Annan Christian College that School Community Members must satisfy all relevant obligations relating to the Working With Children Check (WWCC).

A current WWCC clearance is a prerequisite for engaging in child-related work. All new applicants for child-related employment or volunteer positions must obtain a satisfactory clearance by completing the online Working with Children Check prior to commencement. (Details [here](#).)

Existing paid workers and volunteers will be phased in according to sectors. These are required to gain a WWCC clearance during their sector's phase in dates. (Details [here](#).)

The Headmaster is the College's nominated contact person for the NSW Office of the Children's Guardian. That Office will notify the Headmaster of any applicants or existing workers that are barred from working with children.

The College is to keep up to date records of WWCC clearances for all School Community Members. The College shall not employ applicants who are barred from working with children. If circumstances ever arose where an existing employee was barred from working with children then their employment at the College is simultaneously subject to termination.

10. MANDATORY REPORTING

School Community Members have a legislated and ethical duty to report certain matters of concern in relation to students. A *Mandatory Reporter* is anyone who as part of their paid or professional work, delivers or manages the services to children, including education and out of school care.

All matters of concern relating to students of the College and/or School Community Members must be reported directly to the Headmaster. In circumstances where the Headmaster is unavailable, and any delay potentially places the child or young person at further risk of serious harm, then the matter MUST be reported to a member of the Senior Executive Staff

Reportable matters

- (a) Notify the Headmaster if a School Community Member is charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them,
- (b) Report to the Headmaster any allegations or convictions of Reportable Conduct involving any School Community Member,
- (c) Report to the Headmaster any information received, concerns formed or observations made in relation to inappropriate behaviour towards a student by any School Community Member. (Inappropriate behaviour includes, but is not limited to, a breach of MACC Child Protection Policies and Procedures),
- (d) Report to the Headmaster any information received, or perceptions formed, or observations made that a child or young person enrolled at the College may be at risk of significant harm, and
- (e) Report to the Headmaster that an enrolled student may be involved with, or may have been exposed to, possible criminal activity.

Allegations of reportable conduct

School Community Members may NOT exercise discretion concerning an allegation of reportable conduct involving any School Community Member. This applies regardless of any thoughts they may have about the truthfulness of an allegation. Once made, an allegation must be reported to the Headmaster.

Further information about reporting allegations of reportable conduct is located in *Child Protection Procedures – Allegations of Reportable Conduct*. This document includes a description of the role of the NSW Ombudsman and the procedures followed by the Headmaster when he/she receives an allegation.

Children or young people at risk of significant harm

As mandatory reporters, School Community Members have a legal duty to report when they have reasonable grounds to suspect a child or young person is at risk of significant harm and they have current concerns about the safety, welfare and wellbeing of a child or young person.

Note that:

- Reports made to FACS are confidential and the reporter's identity is generally protected by law
- If a report is made in connection with a serious offence then there is provision for a law enforcement agency to access the identity of the reporter
- Mandatory reporters are not liable for defamation that occurs as a result of making a report

Two key terms in legislation concerning children or young people at risk of significant harm are *reasonable grounds* and *risk of significant harm*. School Community Members ARE expected to exercise professional discretion when assessing whether a mandatory report should be made. Note that this requirement is dissimilar to that of an allegation of reportable conduct.

If anyone is unsure whether specific circumstances warrant a mandatory report, they are to seek the advice of the Headmaster without discussing the matter with others. In cases where the Headmaster is unavailable however, the matter can be discussed with members of the Senior Executive Staff to avoid delay.

Headmaster's procedures for a child or young person at risk of significant harm

As Head of Agency, the Headmaster shall comply with all legislative and regulatory obligations relating to the reporting of Child Protection Matters.

Procedures to be followed by the Headmaster when reporting a child or young person at risk of significant harm:

- Use the online Mandatory Reporter Guide (MRG) to determine whether the circumstances warrant a report to FACS.
- Make any required report to FACS using the Mandatory Reporters Tele-service: **133627**
- Note that if evidence of a crime exists then FACS will report this directly to the police with respect to the offender.
- Compile accurate, contemporaneous records of the matter, including:

- Reports received from School Community Members and/or others
- Records of any advice sought, decisions made or action taken relating to the care and protection of students
- A printed copy of the MRG decision report
- A record of any notifications made in response to legislative and regulatory obligations
- Ensure that all such records are retained securely and confidentially as the property of the College.

11. STUDENT INTERVIEWS

In certain circumstances, FACS officers and/or NSW Police may wish to carry out student interviews at the College.

No student is to be interviewed at the College against his/her own wishes. The Headmaster is to inform the student of this and also of his/her right to have a supportive adult present at the interview. Except in cases that may involve a member of the family, it is expected that a parent will be present at any interview with their child. If the student nominates to have a supportive adult present then the interview must not commence until that person has arrived.

At the commencement of the interview, the Headmaster is to ask the investigating officers to explain to the student, while the Headmaster is present, the purpose of the interview and their role in it. What then takes place in the interview becomes part of the investigation and it must remain confidential. FACS Officers and Police Officers are responsible for communicating with parents about any matters related to an interview.

12. INFORMATION EXCHANGE

Prescribed bodies are allowed to exchange information that relates to the safety, welfare and wellbeing of a child or young person, regardless of whether a report has already been made to NSW Family & Community Services. For information exchange to occur there must be a concern regarding the safety, welfare and wellbeing of a child or young person or a class of children or young persons.

Information can only be exchanged if it relates to the safety, welfare and wellbeing of a child or young person AND if it may assist an agency to:

- Make a decision or undertake an assessment of plan
- Initiate or conduct an investigation
- Provide a service
- Manage any risk

The Headmaster, as Head of Agency, is the only person in the College authorised to initiate a request for information about a student from another agency, or to respond to a request from another agency for information about a student.

13. CONFIDENTIALITY

School Community Members are to maintain confidentiality with respect to all parties concerned with any Child Protection matter. If anyone is unsure about the specific

requirements of confidentiality, they are to seek the advice of the Headmaster without discussing the matter with others. In cases where the Headmaster is unavailable however, the matter can be discussed with members of the Senior Executive Staff to avoid delay.

Breaches of confidentiality may lead to disciplinary action being taken by the College and/or to legal action being taken by an aggrieved party.

A School Community Member must not take any detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. Doing so may be regarded as serious misconduct and may result in disciplinary action.

14. RECORD KEEPING

School Community Members have a responsibility to create and maintain records of their professional activities and decisions in the care and protection of students, including contemporaneous records of any disclosures, observations and/or discussions concerning possible breaches of this Policy. The Headmaster may request such records at any time. School Community Members are to retain all such records securely and confidentially and they are to seek appropriate advice from the Headmaster prior to their destruction or removal.

Best practice for staff:

- Complete the MRG for child protection incidents and print out the feedback.
- If a Helpline Report is to be made, inform the Headmaster or Senior Executive Staff as a matter of priority.
- For all matters, make a detailed note of your observations as soon as possible (within 24hrs).
- Sign and date it.
- Add it to the Online Incident Report.

The Headmaster has a responsibility to create and maintain contemporaneous records of any reports received, including his/her response to those reports and any decisions relating to the care and protection of students, including records of any notifications that are made to statutory bodies as a result of allegations and/or breaches of this Policy. Such records remain the property of the College and the Headmaster is responsible to ensure that they are retained securely and confidentially. Appropriately qualified advice is to be sought by the Headmaster prior to the destruction or removal of any such records.

15. POLICY DISTRIBUTION AND COMMUNICATION

TO STAFF

(a) This Policy is to be made available to all employees and volunteers through the Mount Annan Christian College Staff Handbook.

(b) Induction procedures for new employees and child-related volunteers are to provide each School Community Member with an opportunity to become fully conversant with this policy and its procedures. Each new member is to read the Policy and have an opportunity to address any questions or concerns. They are then required to sign & submit the acknowledgement below.

(c) Existing School Community Members are required annually EITHER to attend refresher training for this Policy OR to provide evidence to their supervisor that they have reviewed the Policy independently. A record of each person's attendance at refresher training (or independent review) is to be kept in the School Office.

TO STUDENTS

Relevant aspects of this Policy are to be integrated into the Personal Development, Health and Physical Education programs of each class in the College. These are to be presented and discussed with students at a level that is age appropriate.

16. CONSEQUENCES OF FAILURE TO COMPLY WITH CHILD PROTECTION POLICY

All School Community Members are required to be fully aware of and comply with all aspects of MACC Child Protection policies and procedures. Lack of awareness is not an acceptable excuse for failure to comply with any part of these Policies.

Any alleged breach of MACC Child Protection policies and procedures may require:

- (a) An internal report to be made,
- (b) A referral to external authorities under relevant legislation, and/or
- (c) An investigation to be conducted.

In circumstances where a breach is established, disciplinary action may be taken. In relation to a College employee, such action may result in the termination of their employment. Any breach of a key element of MACC Child Protection policies and procedures will be considered as sufficient grounds for summary dismissal.

Key elements include:

- failure to establish or maintain a current WWCC clearance as required;
- abuse of a child/children or young person/persons by a staff member;
- a serious breach, or repeated breaches, of the Code of Conduct;
- failure to notify the Headmaster (or Senior Executive Staff in the Headmaster's absence) of reportable circumstances;
- failure to maintain appropriate confidentiality regarding a Child Protection matter.

In relation to any School Community Member who holds a church ministry licence or church-appointed position, or any consultant, tutor, student on tertiary practicum placement, or volunteer, a breach of this Policy may result in the termination of their engagement with the College.

DOCUMENT CONTROL

Policy updated: February 2019

Revision schedule: Revision due February 2021

Legislative changes to be adopted as required

Authorised by: Nathan Gray

MOUNT ANNAN CHRISTIAN COLLEGE

CHILD PROTECTION POLICY - ALLEGATIONS OF REPORTABLE CONDUCT

1. VISION STATEMENT

To provide a Christ-centred learning environment that empowers each individual to live a life of purpose.

2. INTRODUCTION & PURPOSE

Mount Annan Christian College is committed to providing a safe and supportive environment for all its students. The College's Christian values affirm the highest standards of ethical conduct in relation to the care, support, and welfare of students.

This Child Protection policy applies to all paid or voluntary workers in the College who work directly with children. These include teachers, support staff, administration staff, canteen workers, maintenance staff, visiting tutors, coaches, unsupervised classroom helpers and trainee teachers on a practicum. These child-related workers are henceforward referred to throughout this Policy as *School Community Members*.

This Policy is intended to:

- (e) Support the provision of a safe and supportive environment for students in accordance with the College's Christian vision and values.
- (f) Supplement the general information and requirements that are outlined in the Child Protection Policy for Employees & Volunteers
- (g) Guide School Community Members about how to respond to allegations of reportable conduct
- (h) Ensure that all School Community Members remain lawfully compliant in relation to child protection practice.

Before commencement of employment or engagement with the College, or as soon as practicable thereafter, all School Community Members are to ensure that they read, understand and sign this Policy and each of the related policies and procedures listed below.

3. RELATED POLICIES AND PROCEDURES

This policy is to be read in conjunction with other MACC Child Protection policies and procedures:

- Child Protection Policy for Employees and Volunteers
- Child Protection Code of Conduct

Important definitions that are applicable to this Policy are found in the Child Protection Policy for Employees and Volunteers.

LEGISLATION

- Ombudsman Act 1974 (NSW)
- Ombudsman Amendment (Child Protection and Community Services) Act 1998
- Child Protection (Offenders Registration) Act 2000 (NSW)

- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013 (NSW)

USEFUL LINKS

- [NSW Ombudsman - Employment Related Child Protection](#)
- [Working With Children - Fact Sheets and Resources](#)

THE ROLE OF THE NSW OMBUDSMAN

The College is required to notify the NSW Ombudsman of any allegations of abuse against children by School Community Members. Allegations must be reported regardless of whether the alleged incident took place in, or outside of, school hours.

An allegation should have the following elements:

- the person subject of the allegation is clearly identifiable, and
- the allegation details specific conduct or a pattern of behaviour that indicates abuse (i.e. *reportable conduct*).

The Ombudsman monitors and follows up investigations into allegations, considers any action taken and, if he/she sees fit, intervenes in the process. The Ombudsman must be satisfied that the investigation has been conducted properly and that appropriate action has been taken.

REPORTABLE CONDUCT

Reportable Conduct refers to specific conduct or a pattern of behaviour towards a child that indicates abuse. This includes:

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

Note that a detailed description of sexual misconduct, including a definition of grooming behaviour, is located in the Child Protection Policy for Employees and Volunteers.

PROCEDURES FOR A SCHOOL COMMUNITY MEMBER

School Community Members shall:

- **Report directly to the Headmaster** if they have been convicted of any child-related offence. Convictions that are unrelated to work or from interstate must be included.
- Report directly to the Headmaster if they receive an allegation from any source that a School Community Member may have engaged in reportable conduct
- Report directly to the Headmaster if they receive information, form a perception or observe that a School Community Member may have engaged in reportable conduct
- Maintain confidentiality about any reportable matter by discussing it only with the Headmaster. Failure to observe confidentiality in this way may not only be a serious breach this Policy, but it may also leave the School Community Member open to civil proceedings for defamation.

- Must not initiate their own investigation of an allegation of reportable conduct.
- Provide the Headmaster with a contemporaneous record of all relevant details of conversations, observations or disclosures.
- Keep a copy of the abovementioned records securely and confidentially. Appropriate advice is to be sought from the Headmaster prior to the destruction of any such records.

By law, School Community Members may not exercise discretion concerning an allegation of reportable conduct, regardless of any thoughts they may have about its truthfulness. **Once made, all allegations must be reported to the Headmaster.** (Note that this requirement is unlike mandatory reporting of children that may be risk of significant harm.)

If circumstances ever arose where an allegation of reportable conduct involves the Headmaster then that allegation is to be reported directly to the Chairman of the College Board of Directors. The Chairman shall then fulfil the responsibilities of the Head of Agency as outlined below, or appoint a duly qualified independent person to fulfil those responsibilities.

PROCEDURES FOR THE HEADMASTER

As Head of Agency, the Headmaster shall notify the Ombudsman if he/she becomes aware of any child-related criminal convictions against a School Community Member. Notification to the Ombudsman must occur concerning any reportable allegation against a School Community Member even if the matter has already been reported to Family & Community Services or the Police. In that case the report to the Ombudsman will indicate these services have been contacted and involved.

Risk assessment

On receiving a report of an allegation of possible reportable conduct by a School Community Member, the Headmaster will in the first instance perform a risk assessment in order to implement any immediate measures necessary to ensure the safety and wellbeing of all concerned.

Note that at any time after receiving an allegation concerning a Child Protection matter, the Headmaster may determine that the following measures may be required:

- mandatory reporting to FACS of a child or young person at risk of significant harm
- reporting alleged criminal activity to the Police. (In such serious cases, FACS and/or the Police will investigate the matter. It is therefore inappropriate for the College to conduct its own investigation.)
- support for a lawful investigation by Police, FACS, or another statutory authority.
- Adjustments to College routines
- suspension of, or restriction of, duties for a School Community Member
- suspension of, or conditions upon, a student's enrolment
- actions to ensure that students, staff and others receive care, support and counselling
- communication with the school and/or wider community

Assessment of the nature of the allegation

Upon receiving an allegation concerning a School Community Member, the Headmaster must assess carefully whether the alleged behaviour actually refers to reportable conduct. A qualified investigator may be asked to assist with this assessment e.g.:

- a complaint about a teacher who embarrassed a student
- a complaint of physical contact that is not overtly sexual in nature
- physical contact that may be considered trivial or negligible

Even in cases where the alleged behaviour is NOT reportable, further investigation may be needed and disciplinary consequences may apply. Professional management of the matter is usually necessary. In such cases, the Headmaster and/or an Executive Staff Member are to follow appropriate management strategies.

Mandatory Reporting

In circumstances where it is determined that an allegation DOES refer to reportable conduct, the mandatory report to the Ombudsman involves two components:

Part A – reporting an allegation of reportable conduct

Part B – reporting the outcomes/findings of an allegation of reportable conduct

The Headmaster is to ensure that all requirements are satisfied with respect to each part of a report to the Ombudsman.

The Class or Kind Agreement

As a member school of Christian Schools Australia, the College is signatory to a *Class or Kind Agreement* that affects its obligations to report allegations and findings of reportable conduct to the NSW Ombudsman. This agreement is the *Determination by the NSW Ombudsman under section 25CA of the Ombudsman Act 1974 concerning Christian Schools Australia and their member schools*.

The Headmaster is to be familiar with the Class or Kind Agreement and he/she shall refer to it when assessing his/her responsibilities to report allegations of reportable conduct (Part A) and outcomes/findings of an allegation (Part B).

Investigating an allegation of reportable conduct

In cases where it is deemed appropriate for the College to conduct its own investigation into an allegation of reportable conduct, the following procedures are to be followed.

An *Investigation* is a broad process where the College carries out an inquiry into an allegation of reportable conduct in order to:

- Gather all the relevant facts
- Make a decision as to whether or not an allegation is sustained
- Provide information to assist any management or disciplinary proceedings

Appointment of an Investigator

As a member school of Christian Schools Australia, with staff members who have undergone investigator training, the Headmaster may appoint a suitably qualified investigator from within the College to conduct the investigation. At any point, however,

the Headmaster may decide that circumstances warrant the appointment of an accredited independent investigator to complete the investigation.

The Headmaster will remain responsible to monitor the progress of the investigation and to ensure that all legally mandated reporting requirements are met.

Procedural Fairness

Investigations into allegations of reportable conduct must respect the principle of Procedural Fairness. This requires the Headmaster and investigator to:

- Inform the person subject to an allegation (PSOA) of the substance of the allegation(s) made against them, providing as much detail as possible.
- Provide the PSOA with a reasonable opportunity to put their case, either in writing or interview
- Make reasonable inquiries or investigations before arriving at a decision
- Consider all relevant available evidence, including exculpatory evidenced (i.e. both supportive and non-supportive evidence)
- Ensure there is no conflict of interest during the process
- Act fairly and without bias
- Conduct the investigation and any other proceedings without undue delay
- Advise those making the allegations of the penalties for making false or vexatious claims
- Advise the PSOA of their right to make a complaint to the Ombudsman if he/she is not satisfied with the response to, or handling of, the allegations.

Student Interviews

No student is to be interviewed at the College against his/her own wishes. The Headmaster is to inform the student of this and also of his/her right to have a supportive adult present at the interview. Except in Child Protection cases that may involve a member of the family, it is expected that a parent will be informed of an interview with their child. If the student nominates to have a supportive adult present then the interview must not commence until that person has arrived.

At the commencement of the interview, the investigating officer is to explain to the student the purpose of the interview and their role in it. What then takes place in the interview becomes part of the investigation and it must remain confidential.

In circumstances where a student is interviewed by Police or FACS as part of their investigation into a Child Protection matter, further procedures are described in the MACC Child Protection Policy – Children & Young People at Risk of Significant Harm.

Confidentiality during an investigation

During an investigation, confidentiality is to be maintained with respect to all parties involved. No staff member or student is to be disadvantaged as a result of making an allegation. The rights of the PSOA are also to be respected, while acknowledging that certain measures may be needed to ensure the safety and wellbeing of others.

The investigator will:

- Carry out a Risk assessment – PSOA, student(s), investigation, others
- Plan the course of action, based on the allegation made
- Gather evidence from the victim, witnesses and any other relevant sources
- Provide a Letter of Allegation to the Person subject to the allegation (PSOA)
- Interview the PSOA
- Analyse the information received and make a finding
- Ensure that careful, detailed, accurate records are compiled during the course of the investigation. These can include recordings of interviews and/or appropriate photographs to ensure that accurate evidence is obtained.
- Provide an investigation report to the Headmaster. This report shall include all relevant evidence, records and findings.

The Headmaster will:

- Monitor progress of the investigation and respond promptly to any new or changed levels of risk.
- Inform the PSOA of the investigation findings in writing.
- The PSOA will be given an opportunity to respond.
- The Headmaster will then make a finding about the allegation.
- The Headmaster shall be familiar with and shall meet all legally mandated requirements for reporting allegations of and the findings of investigations.

Available Findings

For the purposes of the Ombudsman Act, the available findings into an investigation into alleged reportable conduct are defined as follows. Note that certain findings must be reported to the Commissioner for Children and Young People (CCYP).

AVAILABLE FINDING:	CCYP Reporting
1. <i>Sustained</i> - a finding that the conduct occurred	Yes
2. <i>Not sustained (insufficient evidence)</i> - there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur	Yes
3. <i>Not sustained (lack of evidence of weight)</i> – where the evidence is of such poor probative value or it is lacking in weight such as to warrant a finding that, on the balance of probabilities, the conduct did not occur	No
4. <i>False</i> - where inquiries in to the matter show that reportable conduct or an act of violence did not occur. Such matters may be merely misguided although some may be vexatious, for example where inquiries into the matter show the allegation was made without substance and to cause distress to the person whom the allegation was made	No
5. <i>Not reportable conduct</i> - where inquiries into the matter show the	No

conduct was not reportable. For example, use of force that was trivial or negligible in the circumstances, conduct that was reasonable in the circumstances or accidental.

FOLLOWING AN INVESTIGATION

Following an investigation, the Headmaster is responsible to:

- Keep all records of the investigation securely and confidentially at the College. Such records remain the property of the College.
- Oversee the provision of ongoing care and support to those affected by the incident.
- Oversee all processes of communication and restoration that may be needed to repair any damage to the integrity and Christian witness of the College.
- Administer all appropriate disciplinary action where required. Any discipline must be fair and proportional to the findings of the investigation. In extreme cases, a School Community Member that is convicted of a child-related offence will have their employment/engagement terminated.
- Report to the College Board that a reportable allegation has been received, although at all times the confidentiality of the PSOA, the alleged victim and others is to be respected.

POLICY DISTRIBUTION AND COMMUNICATION

(a) This Policy is to be made available to all employees and volunteers through the Mount Annan Christian College Staff Handbook.

(b) Induction procedures for new employees and child-related volunteers are to provide each School Community Member with an opportunity to become fully conversant with this policy and its procedures. Each new member is to read the Policy and have an opportunity to address any questions or concerns. They are then required to sign & submit the acknowledgement below.

(c) Existing School Community Members are required annually EITHER to attend refresher training for this Policy OR to provide evidence to their supervisor that they have reviewed the Policy independently. A record of each person's attendance at refresher training (or independent review) is to be kept in the School Office.

DOCUMENT CONTROL

Policy updated: February 2019

Revision schedule: Revision due February 2021

Legislative changes to be adopted contemporaneously

Authorised by: Gabi Korocz

MOUNT ANNAN CHRISTIAN COLLEGE

CHILD PROTECTION - CODE OF CONDUCT

1. VISION STATEMENT

To provide a Christ-centred learning environment that empowers each individual to live a life of purpose.

2. INTRODUCTION AND PURPOSE

Mount Annan Christian College is committed to providing a safe and supportive environment for all its students. The College's Christian values affirm the highest standards of ethical conduct in relation to the care, support, and welfare of students.

This Child Protection Code of Conduct applies to all persons engaged to work in, or to provide services to, Mount Annan Christian College and its students.

This code outlines the College values, commitments and expectations in relation to child protection matters, and reflects its commitments to:

- PROVIDE a safe and secure environment for everyone participating in the College's education programs, pastoral services and related programs.
- PROVIDE high quality education, pastoral services and related programs for students and their families that are safe and welcoming for them and set in a Christian context.
- SEEK input and guidance from students, parents, employees and others so that these standards are maintained.
- REQUIRE all School Community Members to demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people.
- REQUIRE all School Community Members to share the responsibility to maintain the College's reputation for integrity in relation to child protection matters.

Before commencement of employment or engagement with the College, or as soon as practicable thereafter, all School Community Members are to ensure that they read, understand and sign this Child Protection Code of Conduct and each of the related policies and procedures listed below.

3. RELATED POLICIES AND PROCEDURES

This policy is to be read in conjunction with other College policies and procedures:

- Child Protection Policy for Employees and Volunteers
- Child Protection Procedures – Allegations of Reportable Conduct

Important definitions that are applicable to this Code of Conduct are found in the Child Protection Policy for Employees and Volunteers.

4. EXPECTATIONS OF SCHOOL COMMUNITY MEMBERS

All School Community Members must keep the Child Protection Code of Conduct by meeting the following expectations:

School Community Members:

- WILL follow all MACC Child Protection policies and procedures.
- WILL treat everyone with respect and honesty.
- WILL take an active, caring, compassionate interest in the wellbeing of students.
- WILL behave as a positive role model to students in all interactions with them.
- WILL seek to maximise openness and transparency in all interactions with students.
- WILL wear a current Staff ID Badge or an approved staff uniform when on site during school hours.
- WILL, whenever possible while conducting one-to-one activity with a student, ensure that another adult is present or within sight at all times AND ensure that this adult is actively engaged and aware of the action of the School Community Member at all times.
- WILL seek to gain prior approval from their supervisor before conducting one-to-one activity with a student in circumstances where it is not possible for another adult to be present and actively aware of the activity.
- WILL, as far as is required by and appropriate to their role in the College, be familiar with the School's procedures for providing students with or allowing students access to prescribed or other medication.
- WILL record and act on any complaint of abuse, ill-treatment or neglect of a student
- WILL respect appropriate boundaries in all interactions with Students.
- WILL respect the duty to take reasonable care for the safety and welfare of Students.
- WILL complete and maintain a current clearance for working with children as required by the Office of the Children's Guardian & the Working With Children Check.
- WILL inform the Headmaster if charged with, or convicted of, an offence relevant to working in child-related employment, or if any reportable allegation is made against them.
- WILL report to the Headmaster any allegations or convictions of Reportable Conduct involving any School Community Member.
- WILL report to the Headmaster any information received, concerns formed or observations made of inappropriate behaviour by any School Community Member that involves a student. Inappropriate behaviour includes, but is not limited to, any breaches of Child Protection Policy and Procedures.
- WILL report to the Headmaster a perception that a child or young person may risk of significant harm.
- WILL report to the Headmaster a perception that a student may be involved with, or being exposed to, possible criminal activity.
- WILL maintain the confidentiality of all parties in relation to Child Protection matters.

School Community Members:

- WILL NOT develop any 'special' or selective relationships with a student that could be seen as favouritism (e.g. offering gifts or special treatment).
- WILL NOT seek to engage in one-to-one contact with a student without another school community member present or without prior approval from an immediate supervisor. Examples of one-to-one contact to avoid where possible include:
 - disciplining or counselling a student in a private location
 - personal or inappropriate physical contact
 - being alone with a student in their home, your home or a vehicle

- assisting students to get changed or go to the toilet when they are capable of doing so themselves
- personal communications with students (e.g. email, phone calls, social media)
- WILL NOT engage in conduct that could be construed as grooming behaviour of a student or their close family or friends.
- WILL NOT engage in inappropriate physical contact/force with a student, including any corporal punishment of a student.
- WILL NOT act in ways that may cause a student to reasonably fear that unjustified force will be used against them, even if the use of force is not actually intended.
- WILL NOT correct or discipline a student in excess of what is reasonable or appropriate for the situation.
- WILL NOT behave in a manner that may cause psychological harm to a student.
- WILL NOT swear, blaspheme or use inappropriate or disparaging language in the presence of, towards or about any Student or any School Community Member.
- WILL NOT consume or have in their possession alcohol, drugs, tobacco or any prohibited substances while on College grounds or at any place where College activities are being conducted
- WILL NOT allow students to consume or have in their possession alcohol, drugs, tobacco or any prohibited substances at any place and in any circumstances where they are engaged in the activities of the College.
- WILL NOT provide students with access to medications that are not prescribed or recommended for them.
- WILL NOT neglect any student or allow any students to place themselves at risk when in the care of the School Community Member, or fail to exercise reasonable care for the safety and wellbeing of any student in any situation where there is a reasonable expectation that they should do so.
- WILL NOT engage in communication with any student by any means or by any device, in any manner that contravenes College policies and procedures relating to electronic information, communication technology and social media.
- WILL NOT engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal or intimate relationship with, conduct towards, or focus on a Student or a group of Students.
- WILL NOT otherwise abuse, neglect, ill-treat or exploit students or other children.

5. DOCUMENT CONTROL

Policy updated: February 2019
Revision schedule: Revision due February 2021
Authorised by: Gabi Korocz

6. CHILD PROTECTION ACKNOWLEDGEMENT

I have read and I understand each of the following MACC Child Protection Policies and Procedures:

- Child Protection Policy for Employees and Volunteers
- Child Protection Procedures – Allegations of Reportable Conduct
- Child Protection Code of Conduct (this document)

I agree to comply with all of the abovementioned Policies and Procedures as an essential condition of my employment/engagement with Mount Annan Christian College.

Name: _____

Signed: _____ Date: _____