



MOUNT ANNAN
CHRISTIAN COLLEGE

CHILD PROTECTION POLICY



Contents

Child Protection Policy For Employees And Volunteers.....	3
Child Protection Process - Allegations of Reportable Conduct.....	14
Definition of Child Abuse.....	26
Contact Behaviours:.....	30
Non-Contact Behaviours:.....	30
Possible Physical Indicators of Sexual Abuse:.....	31
Possible Behavioural Indicators of Sexual Abuse:.....	31
Student-to-Student Offending.....	33
Grooming Behaviours.....	33
Online Grooming:.....	34
What is Not Grooming?.....	37
Possible Behavioural Indicators of Serious Neglect:.....	39
Statement of Commitment.....	42
Child Safe Values and Principles.....	42
Responsibilities.....	44
Reporting Child Protection Concerns.....	44
Program Compliance and Review.....	44
Report Any Child Protection Concerns.....	46
What are Professional Boundaries?.....	48
Intimate Relationships.....	49
Personal Relationships.....	49
Fair Learning Opportunities.....	50
Electronic Communications between Staff and Students.....	50
Physical Contact with Students.....	51
Off-Campus Excursions and Camps.....	51
Staff Responsibilities.....	53
Implementation.....	53
Safe and Supportive Environments.....	57
Safe and Supportive Environments.....	60
Source of Obligation.....	62
Under the Regulation:.....	62



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: June 2019

Revision schedule: Revision due June 2021
Legislative changes to be adopted as required

Authorised by: Gabi Korocz

Child Protection Process - Allegations of Reportable Conduct

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.

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.



Timeline for a Child Protection Matter at MACC

School Community Member wants to report a Child Protection Matter

The School Community Member contacts the Headmaster via phone, email, post or in person and provides details of alleged Child Protection concern/incident. The Headmaster may seek further details.

Headmaster provides written acknowledgement of receipt of concern within 48 hours.

Headmaster to notify the Ombudsman of the circumstances if he/she becomes aware of any child-related criminal convictions against a School Community Member.

Headmaster will perform a risk assessment in order to implement any immediate measures necessary to ensure the safety and wellbeing of all concerned.

Headmaster may determine to:

- Manatory Report to FACS
- Report to Police
- Adjust College Routines
- Suspend the School Community Member
- Suspend enrolment of Student
- Provide Counselling to anyone involved
- Communicate to the school or the wider community

The Headmaster may engage a qualified investigator to investigate the matter or may choose to investigate the matter themselves.

After an investigation has occurred, the Headmaster may

- Report the allegation of reportable conduct.
- report the outcome/findings of an allegation of reportable conduct

Following an investigation, the Headmaster will

- keep all records of the investigation
- oversee provision of ongoing care/support to those affected by the incident
- oversee all processes of communication and restoration possibly needed to repair reputational damage
- Administer all appropriate disciplinary action relating to the matter
- Report to the College Board the nature and appropriate details of the matter

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.

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

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	No

a finding that, on the balance of probabilities, the conduct did not occur

4. *False* - where inquiries into 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. *Not reportable conduct* - where inquiries into the matter show the 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. No

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.



MOUNT ANNAN
CHRISTIAN COLLEGE

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:

- neglected
- physically or sexually abused or ill-treated
- exposed to domestic or family violence
- 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
- Mr Mark Camilleri – Head of Secondary; markc@macc.nsw.edu.au
- Mrs Debbie Pope – Head of Primary; debbiep@macc.nsw.edu.au
- Mr David Chehade – Head of Operations; 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

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

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.

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.



MOUNT ANNAN
CHRISTIAN COLLEGE

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, mufti 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.

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: June 2019
Review due: June 2021