



Child Protection Policy

Preamble

1. The Headmaster of Newington College is the Head of Agency for the purpose of fulfilling the Agent's responsibility under *The Ombudsman's Act 1974*.
2. Newington College has a focus on both prevention and response to Child Protection issues, preventative actions including doing Child Protection checks, regular and clear training of staff, ensuring that staff sign off on the Child Protection policy.
3. Newington College is a designated non-government agency as defined by *The Ombudsman's Act*.
4. Newington College gives clearly defined roles to senior staff to ensure prevention and compliance with the Acts.
5. The Headmaster is responsible for notification to The Ombudsman, Community Services and/or the NSW Police Force.
6. In this document Headmaster means Headmaster or their delegate.

1.0 Introduction

Newington College is committed to fulfilling its duty of care to all students by:

- a) Providing them with a learning environment that is safe, supportive and caring;
- b) Seeking to recognise promptly when any of its students are at risk of significant harm; and
- c) Taking appropriate action to protect its students when the College or its staff become aware that its students are at risk of significant harm.

Accordingly, reportable conduct or other inappropriate or unprofessional behaviour by staff towards students will not be tolerated under any circumstances. The College expects all staff to honour the College's commitment in this policy and to work with the College to achieve a safe learning environment.

- d) The College is committed to complying with its obligations under NSW child protection legislation and to educating its staff on those obligations.
- e) The College recognises that there is a danger that its staff could be seriously affected by false, vexatious or misconceived allegations against them. The College is therefore also committed to investigating all allegations promptly and fairly.
- f) The word staff refers to all paid employees of the College.

2.0 Publication and Distribution

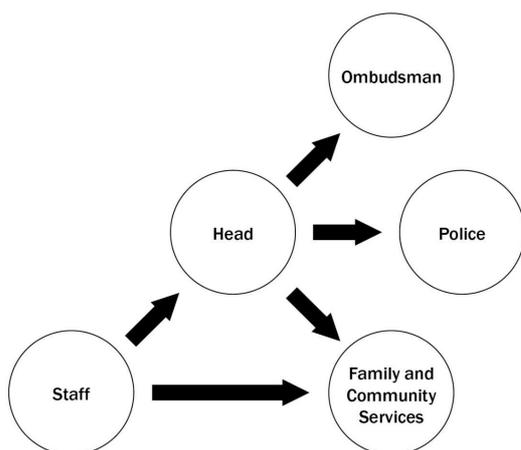
- a) This policy is available online for staff to access.
- b) This policy must be given to all new staff who are required by the College to comply with their obligations under it.
- c) This policy must be given to all members of the College Council.
- d) This policy must also be made available to:
 - i. Any person who makes a reportable allegation; and
 - ii. Any person, being a member of the College community, who requests a copy.
- e) This policy must be given to parents and volunteers who:
 - i. Accompany classes on an excursion, or

- ii. Volunteer at the School.

3.0 Creating a Safe Learning Environment

- a) Training in child protection is a mandatory requirement for all staff at Newington College. The College will provide access to this training.
- b) The College must develop strategies to create a safe learning environment. These will include educating all members of the College community about child protection issues.
- c) All reportable allegations must be taken seriously.
- d) The strategies developed by the College must be monitored continuously and reviewed regularly.
- e) The College must provide professional development to meet the needs of the staff in implementing this policy.
- f) The Headmaster must:
 - i. Promote this policy within the College, with particular regard to the professional development needs of staff; and
 - ii. Monitoring the strategies to create a safe learning environment.
- g) Staff must:
 - i. Be aware of the content of NSW child protection legislation; and
 - ii. Become familiar with Keep Them Safe (www.keepthemsafe.nsw.gov.au) – an initiative of the NSW government which provides valuable information and resources for staff, including the Child Wellbeing and Child Protection NSW Interagency Guidelines; and
 - iii. Report promptly in accordance with this policy whenever they:
 1. Have reasonable grounds to suspect that a student is at risk of significant harm; or
 2. Become aware of a reportable allegation against a member of staff whenever or wherever the reportable conduct took place.
- h) The College expressly prohibits the use of corporal punishment under any circumstances. The College does not explicitly or implicitly sanction the administration of punishment by non school persons, including parents, to enforce discipline at the school.

4.0 Reporting Obligations



- a) Any member of staff to whom a reportable allegation is made or who becomes aware of a reportable allegation or reportable conviction must report this to the Headmaster.

- b) Any member of staff who has reasonable grounds to suspect that any student is at risk of significant harm must report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm, to the Headmaster.
- c) Any member of staff who has reasonable grounds to suspect that any student at Newington College is at risk of significant harm and those grounds arise during the course of or from the member of staff's work must report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm to the Headmaster.
- d) Any member of staff who has reasonable grounds to suspect that any student of another school is at risk of significant harm and those grounds arise during the course of or from the member of staff's work must, in addition to reporting this to the Headmaster, satisfy himself or herself that the Headmaster has reported the matter to the Director – General of the Department of Family and Community Services (Community Services). Where, for any reason, the member of staff is unable to satisfy himself or herself that the Headmaster has reported the matter to the Director-General, the member of staff has a duty to report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm to the Director-General as soon as practicable.
- e) If the reportable allegation is against the Headmaster or if the student is at risk of significant harm from the Headmaster, the report should be made to the Chairman of the College Council who must then comply with the obligations under this policy that would otherwise fall upon the Headmaster. The member of staff may also approach Family and Community Services should they choose to do so.
- f) When the Headmaster receives a report from a member of staff under this section of this policy, the Headmaster must, where required by law, report the matter to the Police, Community Services and/or the NSW Ombudsman.
- g) Where the report is to the Ombudsman, it must be made as soon as practicable and, in the case of the notification of a reportable allegation or reportable conviction, must be made, in any event, within thirty (30) days of the Headmaster becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).
- h) The Headmaster must set up structures which make it easy for staff and other members of the College community to report to the Headmaster reportable allegations or reportable convictions and situations in which they suspect that a student is at risk of significant harm. The Headmaster must also educate the staff and the College community about these structures and actively encourage them to make use of these structures.
- i) The Headmaster must ensure that no person reporting to the Headmaster under this section of this policy is disadvantaged as a result.

5.0 Risk Management

- a) Pending completion of any investigation (whether by the College or an external authority), the Headmaster may limit the contact the member of staff is to have with students or other staff, direct the member of staff to undertake duties other than normal duties or at different locations or suspend the member of staff. Before taking such action, the Headmaster must consider what risk, if any, the member of staff might pose to students. The Headmaster must take into account all relevant circumstances including:
 - i. The nature of the allegation;
 - ii. The vulnerability of the students (for example, because of their age);
 - iii. The nature of the position occupied by the member of staff;
 - iv. The extent to which the member of staff is supervised;
 - v. The disciplinary record of the member of staff;
 - vi. The safety of the member of staff;
 - vii. The extent to which the investigation could be compromised by the member of staff continuing his or her normal duties; and
 - viii. A decision to take action on the basis of a risk assessment will not influence the findings of the investigation.

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

6.0 Investigation

- a) This section of the policy applies unless an investigation is being carried out by the Police, Community Services, the Ombudsman or some other state or federal authority. This section also applies to any investigation carried out by the College once an investigation carried out by an external authority has been completed.
- b) The guidelines set out in the Recommended Protocols for Internal Investigative and Disciplinary Proceedings – 2001 (developed by the NSW Independent Education Union and the Association of Independent Schools) must be followed in any investigation in which they apply.
- c) The Headmaster must investigate, all reportable allegations and all allegations that do not amount to reportable conduct because they involve:
 - i. The use of physical force that, in all the circumstances, is trivial or negligible; or
 - ii. Conduct of a class or kind exempted from being reportable conduct by the Ombudsman.
- d) The Headmaster must carry out all investigations in a way which affords procedural fairness to the member of staff involved. This means that, before completing an investigation of a reportable allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the member of staff, with the assistance of a support person of the staff member's choice). Normally, the Headmaster is to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the Headmaster must:
 - i. Act fairly and without bias;
 - ii. Conduct an investigation without undue delay;
 - iii. Ensure the case is not investigated or determined by someone with a conflict of interest;
 - iv. Ensure the outcome is supported by evidence;
 - v. Take steps to maintain confidentiality for the sake of all parties involved in the investigation;
 - vi. If the investigation involves a student, he will be offered counselling and support from a mentor or appropriate staff member. Staff will also be offered counselling.
- e) At the conclusion of the investigation, the Headmaster may:
 - i. If the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the member of staff an apology and a commitment not to repeat the offence;
 - ii. If it is more serious, require from the member of staff:
 1. An undertaking to attend counselling;
 2. A written apology;
 3. A commitment not to offend again; and
 - iii. In the most serious case, suspend or terminate the employment of the member of staff.
- f) The Headmaster must advise the victim and the member of staff in writing of the result of the investigation and the action taken.
- g) If the victim or the member of staff is unhappy with the conduct or result of investigation, they may take their complaint to the Headmaster and, if dissatisfied with the Headmasters response to their complaint, to the NSW Ombudsman, Community Services, the Police or any other relevant authority depending on the circumstances.
- h) The Headmaster must, as soon as practicable after being satisfied that the investigation has been concluded:

- i. Send to the Ombudsman a copy of any report prepared by or provided to the Headmaster as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based;
 - ii. Provide the Ombudsman with such comments on the report and statements as the Headmaster thinks fit;
 - iii. Inform the Ombudsman of the action that has been taken or is proposed to be taken with respect to the reportable allegation the subject of the investigation, and whether or not the College proposes to take any disciplinary or other action in relation to the member of staff and the reasons why it intends to take or not to take any such action; and
 - iv. Send to the Ombudsman any written submissions made to the Headmaster concerning any such allegation that the member of staff wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to him or her.
- i) The College must notify the Children’s Guardian of the name and other identifying particulars of any member of staff involved in child-related work against whom the College has made a finding that the member of staff has engaged in:
- i. Sexual misconduct, committed against, with or in the presence of a child, including grooming of a child;
 - ii. Any serious physical assault of a child.
- j) If the Children’s Guardian so requests, the Headmaster may also provide the Children’s Guardian with a statement setting out information specified by the notice relevant to an assessment of whether a person poses a risk to the safety of children.

7.0 Pastoral Care

- a) Where a student is at risk of significant harm or is the person to whom the reportable conduct has allegedly been directed, the Headmaster must as soon as possible advise the student’s parents or caregivers unless the Headmaster is satisfied that:
- i. Community Services intends to notify the student’s parents or caregivers promptly; and
 - ii. The College will not be in breach of its duty of care to the student or to other students by not advising the student’s parents or caregivers.
- b) The College must:
- i. Make available its counselling staff to provide counselling and other support as required to:
 1. Any student who is at risk of significant harm or is the person to whom reportable conduct has allegedly been directed; and
 2. Any member of staff against whom a reportable allegation has been made; and
 3. Where relevant, their families; and
 - ii. Refer these people to external agencies able to provide relevant care and support.

8.0 Employment

- a) The College must not employ a person (whether as an employee or self-employed contractor) in child-related work if the College knows or has reasonable cause to believe that:
- i. The person is not the holder of a working with children check clearance that authorises that work and that there is no current application by the person to the Children’s Guardian for a clearance of a class applicable to that work; or
 - ii. The person is subject to an interim bar.
- b) The College must verify that a person has a working with children clearance before employing that person (whether as an employee or self-employed contractor) in child-related work. The process of verification includes the Human Resources Department independently verifying that all documents and payments have been processed by the Office of the Children’s Guardian. A copy of this clearance is kept on the employee’s file.

- c) The College must not continue to employ a member of staff in child-related work if the College knows or has reasonable cause to believe that:
 - i. The member of staff is not the holder of a working with children check clearance that authorises that work and that there is no current application by the member of staff to the Children’s Guardian for a clearance of a class applicable to that work, or
 - ii. The member of staff is subject to an interim bar.
- d) A member of staff whose working with children check clearance is cancelled must immediately inform the Headmaster and resign from employment with the College.

9.0 Volunteers

- a) The College must not engage a person as a volunteer in child-related work without first requiring that person to disclose whether or not that person is a prohibited person.
- b) The College must not engage a person as a volunteer to whom the previous paragraph does not apply in child-related work without first requiring that person to disclose whether or not that person is a prohibited person.
- c) The College must not engage, or continue to engage, in child related work a person as a volunteer that the College knows is a prohibited person.
- d) A volunteer who becomes a prohibited person must immediately inform the Headmaster and stop volunteering with the College.
- e) The College must not engage, or continue to engage, a volunteer in child-related work if the College knows or has reasonable cause to believe that:
 - i. The volunteer is not the holder of a working with children check clearance that authorises that work and that there is no current application by the volunteer to the Children’s Guardian for a clearance of a class applicable to that work; or
 - ii. The volunteer is subject to an interim bar.
- f) Where either of the previous two paragraphs applies, the College must verify that a person has a working with children check clearance before engaging that person as a volunteer in child-related work in the College.

10.0 Record Keeping

- a) The College is committed to keeping accurate records of all matters required by this policy.
- b) Where the College collects and/or holds personal information pursuant to this policy, it must do so in accordance with the Privacy Act 1988 (Cth).
- c) The College must keep records concerning allegations, investigations and findings concerning the subject of such notification for not less than ninety (90) years, unless records are given to the Children’s Guardian.
- d) The College will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.
- e) A member of staff against whom a finding has been made that the member of staff has engaged in
 - i. Sexual misconduct committed against, with or in the presence of a child, including grooming or a child; or
 - ii. Any serious physical assault of a child,
 Is entitled to apply for access under section 46 of the Child Protection (Working with Children) Act 2012 to any information about the finding.

Reviewed by	Date	Date of Next Review
Deputy Headmaster / Director of Human Resources	June 2018	June 2019

