



## Child Protection Incidents Procedures

### 1. Object

- 1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.
- 1.2 Regulation 168(2)(h) of the *Education and Care Services National Regulations* and the *National Quality Standard* require the College to have in place policies and procedures that govern how the Early Learning Centre will provide a child safe environment, including in relation to child protection.
- 1.3 The College is a child safe organisation. These procedures form part of the College's child safe practices and implement the Child Safe Standards.
- 1.3 These procedures give effect to the College's:
- (a) **Child Safety Code of Conduct**; and
  - (b) **Professional Boundaries Policy**;
- and should be read in conjunction with the College's **Reportable Conduct Procedures**.
- 1.4 The College is required to report to the NSW Department of Communities and Justice (DCJ) or the NSW Police any reasonable suspicion that a child is at risk of significant harm, including physical abuse, sexual abuse, serious emotional or psychological harm, neglect, ill-treatment, family violence or grooming.
- 1.5 This obligation extends to all persons who, in the course of their professional, paid employment, deliver education, health care, children's services, residential services or law enforcement, wholly or partly, to children in NSW. It also extends to persons who hold a management position in an organisation that provides these services. The Memorandum of Understanding between the DCJ and the Association of Independent Schools of NSW (AISNSW) prescribes additional mandatory reporting procedures.
- 1.6 The object of these procedures is to:
- (a) explain the meaning of significant harm;
  - (b) clarify the obligations of all Council members, staff, volunteers, student teachers, third party contractors, and external education providers in respect of suspected child protection incidents;
  - (c) prescribe a process for responding to suspected child protection incidents; and
  - (d) prescribe a process for mandatory and voluntary reporting of suspected child protection incidents.



## 2. Application

These procedures apply to the College, including the Early Learning Centre, Council members, staff, volunteers, third party contractors, external education providers and student teachers, for the welfare and benefit of students.

## 3. Definitions

3.1 Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the College's **Child Safety Code of Conduct**.

3.2 In these procedures:

### assault

means:

- the intentional or reckless application of physical force, without lawful justification or excuse, such as hitting, pushing or shoving; and
- any act that intentionally or recklessly causes a child to apprehend immediate and unlawful violence.

Whether conduct constitutes assault will depend on the context and the circumstances. Injury is not an essential element of assault, and the existence of an injury does not necessarily mean that there was an assault.

### child

means a person who is under the age of 16 years.

### Child Protection Investigator

means:

- the Deputy Headmaster;
- Deputy Preparatory Schools and Early Learning Centre the Deputy Pastoral (K-12); or
- a College Psychologist.

### Child Safe Standards

means the NSW Child Safe Standards prescribed in the *Children's Guardian Act 2019* (NSW).

### College

means Newington College, as represented by the authorised delegates of the Council.

### Council

means the Council of Newington College, established by section 1 of the *Newington College Council Act 1922*.

### Council member

means a member of the Council, elected in accordance with section 9 of the *Newington College Council Act 1922*.

### direct contact third party contractor

means third party contractors who:

- have direct contact with students during the normal course of their work; or
- are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and

any contractors whom the College is legally required to screen.

This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.

**Early Learning Centre (or Centre)**

means the Newington College Early Learning Centre for children aged 3-5 years.

**educator**

means a staff member who provides education and care services for children at the Centre.

**employee**

has the meaning given in clause 5.1.

**external education provider**

means any organisation that the College or the Centre has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College or the Centre. The delivery of such a course may take place on College or Centre premises or elsewhere.

**family violence**

means behaviour towards a family member that may include:

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

Family violence includes behaviour that causes a child or young person to be exposed to the effects of the above.

**grooming behaviour**

means predatory conduct undertaken to prepare a child for sexual activity at a later time, including:

- exposing a child to indecent material; and
- providing a child with an intoxicating substance or with any financial or other material benefit.

**ill-treatment**

means unreasonable and seriously inappropriate, improper, inhumane or cruel treatment of a child, including:

- using inappropriate forms of behaviour management towards a child;
- making excessive and/or degrading demands of a child;
- hostile use of force towards a child; or
- a pattern of hostile or degrading comments or behaviour towards a child.

**indirect contact third party contractor** means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)

**mandatory reporter** has the meaning given in clause 7.1.

**Mandatory Reporter Guide** means the guide to making a child protection report, published by the NSW government.

**National Quality Standard (NQS)** means the national benchmark for early childhood education and care and outside school hours care services in Australia, including the seven prescribed Quality Areas:

- Educational program and practice;
- Children’s health and safety;
- Physical environment;
- Staffing arrangements;
- Relationships with children;
- Collaborative partnerships with families and communities;
- Governance and leadership.

**neglect** means action or inaction by a person who has care responsibilities towards a child, including:

- **supervisory neglect:** an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or an intentional or reckless failure to adequately supervise a child, or a significantly careless act or failure that:
  - involves a gross breach of professional standards; and
  - has the potential to result in the death of, or significant harm to, a child;
- **carer neglect:** grossly inadequate care that involves depriving a child of the basic necessities of life (e.g. food and drink, clothing, shelter and medical care/treatment);
- **failure to protect a child from abuse:** an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child; or
- **reckless acts (or a failure to act):** a reckless act or failure to act that:
  - involves a gross breach of professional standards; and
  - has the potential to result in the death of, or significant harm to, a child.

**parent** means one or more parents, guardians or carers of a student enrolled at the College or the Centre.

**physical abuse** means assault, non-accidental injury or a pattern of injuries, including bruising, lacerations, welts, burns, fractures or dislocation of joints.



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| <b>reportable conduct</b>                      | has the meaning given in clause 5 of the College's <b>Reportable Conduct Procedures</b> .  |
| <b>serious emotional or psychological harm</b> | means serious emotional deprivation or trauma caused to a child or young person by the behaviour of their parent, including excessive criticism, withholding affection, exposure to domestic violence, intimidation, and threatening behaviour. Although it is possible for 'one off' incidents to cause serious harm, it is generally the frequency, persistence and duration of the conduct that causes the child or young person to experience emotional or psychological harm, including reduced confidence and self-esteem.   |
| <b>sexual abuse</b>                            | <p>means conduct by a child, a young person or an adult who abuses a position of power or trust (for example, by use of bribes or physical or psychological threats) to involve a child or young person in a sexual activity, including:</p> <ul style="list-style-type: none"> <li>• rape (also called sexual assault) – the penetration of the vagina or anus of a child or young person with any part of the body of another person (including their fingers), or with any object;</li> <li>• oral sex – insertion of the penis into the mouth of a child or young person, or use of the tongue or lips on the vagina, penis, scrotum or anus of a child or young person;</li> <li>• kissing, touching or fondling a child or young person in a sexual manner;</li> <li>• sexual acts – doing an act of a sexual nature with or towards a child or young person, or making a child or young person do an act of a sexual nature, such as: <ul style="list-style-type: none"> <li>○ flashing/exposing genitals to a child or young person;</li> <li>○ having a child or young person pose or perform in a sexual manner;</li> <li>○ looking at a child or young person's genitals for sexual gratification;</li> <li>○ exposing a child or young person to explicit material or acts (including pornographic material); or</li> <li>○ communicating with a child or young person in a sexually explicit manner.</li> </ul> </li> </ul> |
| <b>significant harm</b>                        | has the meaning given in clause 6.1.   |
| <b>staff or staff member</b>                   | means the College and the Centre's permanent, temporary and casual teaching and non-teaching staff.  |
| <b>student</b>                                 | means a student enrolled at the College or a child enrolled at the Centre, as relevant.  |
| <b>student teacher</b>                         | means a person who is undertaking a teaching placement at the College or the   |

Centre as part of their tertiary education, and who teaches under the supervision of a teacher.

**teacher or teaching staff** means permanent, temporary and casual staff with teaching commitments.

**third party contractor** means direct contact third party contractors and indirect contact third party contractors.

**young person** means a person who is 16 or 17 years of age.

3.3 A reference in these procedures to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

#### 4. College commitment

4.1 The College is committed to responding to all child protection incidents in an appropriate manner, including:

- (a) informing the appropriate authorities and fully cooperating with any resulting investigation;
- (b) protecting any child or young person associated with the allegation, and providing ongoing support to other affected people;
- (c) taking appropriate measures in response to disclosures, reports or allegations involving a child or young person with a disability, or from a non-English speaking background; and
- (d) securing and retaining records of the suspected child protection incident and the College's response to it.

#### 5. Meaning of 'employee'

5.1 For the purposes of these procedures, 'employee' means:

- (a) Council members;
- (b) the Headmaster;
- (c) staff, whether or not employed in connection with any work or activities of the College or the Centre that relate to children; and
- (d) any individual engaged by the College or the Centre to provide services to children, including:
  - i. volunteers;
  - ii. third party contractors;
  - iii. external education providers; and
  - iv. student teachers.

## 6. Meaning of 'significant harm'

- 6.1 For the purposes of these procedures, a child or young person is considered to be 'at risk of significant harm' if they have been or are at risk of physical abuse, sexual abuse, serious emotional or psychological harm, neglect, ill-treatment, family violence, or grooming, including circumstances where:
- (a) their basic physical or psychological needs are not being met, or are at risk of not being met;
  - (b) their parents have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
  - (c) their parents have not arranged and are unable or unwilling to arrange for the child or young person to receive an education;
  - (d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
  - (e) the child or young person is living in a household where there have been incidents of domestic violence, as a consequence of which they are at risk of serious physical or psychological harm; or
  - (f) a parent has behaved in such a way towards the child or young person that they have suffered or are at risk of suffering serious psychological harm.

## 7. Meaning of 'mandatory reporter'

- 7.1 For the purposes of these procedures, a 'mandatory reporter' means:
- (a) Council members;
  - (b) the Headmaster;
  - (c) the College's management team;
  - (d) the Head of the Early Learning Centre;
  - (e) teachers, including casual or temporary teachers;
  - (f) educators;
  - (g) all other paid employees who interact with students;
  - (h) the College Nurse;
  - (i) direct contact third party contractors; and
  - (j) external education providers.

## 8. Mandatory reporting

- 8.1 Mandatory reporters who have reasonable grounds to suspect that a child is at risk of significant harm must, as soon as practicable, report their suspicion and the reasons for it to:

- (a) the Headmaster, or if the suspicion relates to the Headmaster, the Chair of the Council; or
- (b) the Department of Communities and Justice (DCJ).

**Note:** Mandatory reporting applies to children only. Young people are not subject to mandatory reporting. Additional grounds for making a mandatory report are listed in the Mandatory Reporter Guide.

- 8.2 When the Headmaster receives a report from a mandatory reporter, he must report the matter to the DCJ and, where necessary, the NSW Police. Where the report concerns reportable conduct by a current or



former employee, the Headmaster must also report the matter to the Office of the Children’s Guardian in accordance with the College’s **Reportable Conduct Procedures**.

- 8.3 The Headmaster must inform the mandatory reporter when he has reported the matter to the DCJ. Mandatory reporters are encouraged to follow up with the Headmaster if they have not received any information about their report.
- 8.4 A mandatory reporter who is not satisfied, after a reasonable period of time has elapsed, that the Headmaster has made a report to the DCJ, must themselves report their suspicion that a child is at risk of significant harm to the DCJ Child Protection Helpline (132 111).
- 8.5 If a suspected child protection incident is reported to the Chair of the Council, they or their nominee, will perform the functions of the Headmaster prescribed in these procedures.

## 9. Voluntary reporting

- 9.1 The safety, welfare, wellbeing and best interests of children and young people are paramount. Employees may at any time report any concern for the safety, welfare and wellbeing of a child or young person to the Headmaster or the DCJ Child Protection Helpline (132 111).
- 9.2 A number of senior staff have been nominated as the College’s Child Protection Investigators. The names, positions and contact details for all Child Protection Investigators are available on request.
- 9.3 The College has a centralised system of managing child protection concerns. Child Protection Investigators will report relevant concerns to the Headmaster, in his capacity as the head of the child safe organisation (the College).
- 9.4 An employee who has a concern that a child or young person may be at risk of significant harm should immediately report their concern to a Child Protection Investigator or the Headmaster, even if they are not sure whether their concern is valid and have not witnessed any harm occurring. The Child Protection Investigator will help clarify the concern and manage the next steps under these procedures. If the concern relates to the Headmaster, the employee should report the matter to the Chair of the Council.
- 9.5 Where an employee has a concern that a child or young person is at risk of significant harm based on the employee’s observation of risk indicators, they should make written notes of their observations, including dates and times.
- 9.6 An employee who receives a disclosure, allegation or report that a child is at risk of significant harm should immediately report the matter to a Child Protection Investigator or the Headmaster. If the matter relates to the Headmaster, the employee should report it to the Chair of the Council.
- 9.7 If a suspected child protection incident is reported to the Chair of the Council, they or their nominee, will perform the functions of the Headmaster prescribed in these procedures.
- 9.8 If a concern, disclosure, allegation or report concerns reportable conduct by another employee, the employee should report the matter to the Headmaster or, if the matter involves the Headmaster, the Children’s Guardian and the Chair of the Council, on a confidential basis, for handling in accordance with the College’s **Reportable Conduct Procedures**.
- 9.9 Where a Child Protection Investigator or the Headmaster is concerned that a child or young person is at risk of significant harm, they will use the Mandatory Reporter Guide on the [ChildStory Reporter Community](#) website to determine whether those concerns reach the suspected Risk of Significant Harm threshold (as prescribed by the Guide).
- 9.10 If the Child Protection Investigator or Headmaster’s concerns do meet the Risk of Significant Harm threshold, they must report the matter, in accordance with clause 8, by using the DCJ Child Protection Helpline (132 111).





## 10. Reporting suspected child protection incidents to the Police

- 10.1 The Headmaster will report to the Police any reasonable suspicion that a child at the College is at risk of significant harm due to grooming behaviour, sexual abuse, or physical abuse by an adult.
- 10.2 The Headmaster will also report to the Police any reasonable suspicion that a child or young person at the College is at risk of sexual abuse or physical abuse by another child or young person.

## 11. Responding to an emergency

- 11.1 All employees must act as soon as they witness a child protection incident or form a reasonable belief or suspicion that a child or young person is at risk of significant harm.
- 11.2 If a child or young person is at immediate risk of harm, employees must, as necessary:
- (a) take immediate action to protect the safety of any child or young person involved;
  - (b) separate the alleged victim and others involved;
  - (c) administer first aid;
  - (d) call 000 for urgent medical or Police assistance to address immediate health and safety concerns; and
  - (e) contact one of the Child Protection Investigators.

## 12. Supporting students, former students and third parties

- 12.1 If a student privately discloses to an employee that they are experiencing abuse, neglect, grooming, or any other behaviour that places them at risk of significant harm, employees should:
- (a) stay calm and not display expressions of panic or shock;
  - (b) reassure and support the student by stating clearly that the behaviour is not their fault;
  - (c) reassure the student that they are believed;
  - (d) tell them that disclosing the matter is the right thing to do;
  - (e) be patient, and allow the student to talk at their own pace;
  - (f) when responding, use the student's own language and vocabulary;
  - (g) tell the student what they plan to do next;
  - (h) remember that it is not their role to investigate the incident; and
  - (i) record the information provided by the person in accordance with clause 17.
- 12.2 If a former student discloses to an employee that they are experiencing or have experienced abuse, neglect, grooming, or other behaviour that places them at risk of significant harm, employees should:
- (a) if the former student is still a child or young person, follow the advice in clause 12.1 and report the matter to a Child Protection Investigator or the Headmaster; and
  - (b) if the former student is no longer a child or young person, report the matter to the Headmaster or, if the matter involves the Headmaster, the Chair of the Council, on a confidential basis, for handling in accordance with the College's **Reportable Conduct Procedures**.
- 12.3 If a third party, such as a friend, a relative or another parent raises a concern with an employee that a child or young person is at risk of significant harm, that employee should:
- (a) reassure and support the person;

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- (b) listen to the person's concerns, seeking clarification where required;
- (c) thank the person for raising their concern;
- (d) advise the person that the College has procedures for dealing with situations like this;
- (e) advise the person that you will discuss their concerns with the relevant authorities; and
- (f) record the information provided by the person in accordance with clause 17.

12.4 Employees who receive a disclosure, allegation or report from a student, former student or third party must not:

- (a) promise the student, former student or third party that they will not tell anyone about the matter, even if they are asked to promise not to tell anyone;
- (b) interrogate or pressure the student, former student or third party to tell more than they want to; or
- (c) confront the person who is believed to be the perpetrator.

12.5 Employees who observe or overhear a student disclosing abuse, neglect, grooming, or other behaviour that places them at risk of significant harm, to another student or group of students should use a strategy called 'protective interrupting'.

12.6 The aim of 'protective interrupting' is to prevent a student from disclosing details of behaviour that places them at risk of significant harm in front of others, while providing the student with the opportunity to disclose later, in a safe and confidential manner. Employees can do this by:

- (a) asking the student if they can talk privately; and
- (b) moving the student away from other students to a quiet space.

### 13. Pastoral care for students

13.1 Where a student is considered to be at risk of significant harm, the Headmaster must notify the student's parents as soon as possible, unless:

- (a) the DCJ intends to notify the student's parents promptly; or
- (b) in the opinion of the Headmaster, Deputy Headmaster or Deputy Preparatory Schools and Early Learning Centre, it is in the best interests of the student's safety or welfare not to notify the student's parents.

13.2 The College will, as appropriate:

- (a) make counselling available to any student who is considered to be at risk of significant harm and, where relevant, their family; and
- (b) refer students and their families to external agencies for care and support.

### 14. Support for employees

14.1 The College recognises that witnessing or receiving disclosures, allegations or reports of a child protection incident can be stressful and upsetting. Employees who are adversely affected by a suspected child protection incident should contact the College's counsellors for support.

14.2 The Headmaster will take reasonable steps to ensure that employees who report, or support another person who reports, a suspected child protection incident in good faith are not subjected to victimisation or any detrimental action by any member of the College community.

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## 15. Employee responsibilities

15.1 All employees are responsible for:

- (a) being aware of NSW child protection legislation;
- (b) making prompt reports of suspected child protection incidents, in accordance with these procedures;
- (c) cooperating in any investigation;
- (d) maintaining confidentiality in relation to any suspected child protection incident; and
- (e) maintaining and storing all records relating to suspected child protection incidents securely.

## 16. Disciplinary action

- 16.1 Where a staff member breaches these procedures, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.
- 16.2 Where a Council member breaches any obligation, duty or responsibility within these procedures, the Council will take appropriate action.
- 16.3 Where any other member of the College community breaches any obligation, duty or responsibility within these procedures, the College will take appropriate action.

## 17. Record keeping

- 17.1 All employees must keep clear and comprehensive notes relating to suspected child protection incidents that they report, including:
- (a) the child or young person's personal information, including name, age, gender, address and parent information;
  - (b) whether the child or young person needed first aid and, if so, who administered it and whether follow up care is or was required;
  - (c) whether the child or young person has any disabilities, or mental or physical health issues;
  - (d) the child or young person's history, including any known previous history of suspected abuse;
  - (e) the child or young person's family background, including their cultural and linguistic background;
  - (f) the reporter's grounds for the suspicion that the child or young person is at risk of significant harm, including any behavioural and physical indicators;
  - (g) any details of the person alleged to have committed the abuse (if known);
  - (h) who the matter was reported to (internally and externally);
  - (i) any action that has resulted from the internal or external report; and
  - (j) whether the parents of the child or young person have been contacted.
- 17.2 All verbal and written communications, including meetings and telephone calls, must be properly documented, including dates and times.
- 17.3 The Headmaster is responsible for keeping all child protection records up to date.
- 17.4 All records relating to suspected child protection incidents must be stored securely and maintained indefinitely.

## Notes

### Child Protection Incidents Procedures

Date approved: 25 March 2020

Date commenced: 20 January 2021

Date amended: 25 February 2021

1 December 2022 (non-substantive amendments)

18 April 2023 (non-substantive amendments)

6 January 2025 (non-substantive amendments)

12 February 2025 (non-substantive amendments)

Related documents:

[Child Safety Code of Conduct](#)

[Professional Boundaries Policy](#)

[Reportable Conduct Procedures](#)

[Statement of Commitment to Child Safety](#)

[Guiding Principles for Responding to Civil Claims involving Allegations of Child Sexual Abuse](#)

