



## National Redress Scheme Policy

### 1. Object

- 1.1 The *National Redress Scheme for Survivors of Institutional Child Sexual Abuse* was established on 1 July 2018 under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), following recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The Scheme enables people who have experienced child sexual abuse to apply for access to counselling, a direct personal response, and a redress payment from a participating institution.
- 1.2 Newington College is a participating institution in the Scheme, and is committed to responding compassionately, honestly and fairly to people who have experienced child sexual abuse at or in connection with the College.
- 1.3 The object of this policy is to explain how the College will:
- (a) respond to applications made under the Scheme;
  - (b) respond to requests for information;
  - (c) provide a direct personal response under the Scheme;
  - (d) deal with protected information; and
  - (e) meet its obligations under child protection legislation.

### 2. Application

This policy applies to the College, including the Early Learning Centre, Council members, staff, volunteers, third party contractors, and external education providers, for the welfare and benefit of students and people who have experienced child sexual abuse at or in connection with the College.

### 3. Definitions

- 3.1 In this policy:

<b>Act</b>	means the <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> (Cth).
<b>child</b>	means a person under the age of 18 years.
<b>College</b>	means Newington College, as represented by the authorised delegates of the Council.
<b>Council</b>	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.

**direct contact volunteer** means volunteers who are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)

**Early Learning Centre (or Centre)** means the Newington College Early Learning Centre for children aged 3-5 years.

**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.

**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.)

**indirect contact volunteer** means volunteers who are:

- involved in providing support and services, whilst not directly assisting a specific group of students; and
- not responsible for supervising students.

(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)

**protected information** means any information about a person or the College that was provided to or obtained by the Scheme Operator for the purposes of the Scheme, or is held in the Scheme's records. Protected information includes:

- a person's application for redress;
- a person's offer for redress;

- the College’s response to a request for information.

**Redress Claim Administrator** means the Headmaster or Deputy Headmaster.

**reportable conduct** means:

- any sexual offence or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence or an offence involving child abuse material), including grooming behaviours;
- any assault, ill-treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child;

whether or not, in any case, with the consent of the child.

**Scheme** means the National Redress Scheme for Survivors of Institutional Child Sexual Abuse.

**Scheme Operator** means the Secretary of the Commonwealth Department of Social Services.

**staff or staff member** means the College and the Centre’s permanent, temporary and casual teaching and non-teaching staff.

**student** means a student enrolled at the College or a child enrolled at the Centre, as relevant.

**survivor** means a person who has experienced child sexual abuse that is within the scope of the Scheme.

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

**volunteer** means direct contact volunteers and indirect contact volunteers.

3.2 A reference in this policy 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. Applications under the Scheme

4.1 The College acknowledges that many children were sexually abused in Australian institutions, and recognises the harm caused by this abuse.

4.2 The College acknowledges the vulnerable position of people who have suffered abuse as children, and will make all former students who have an inquiry or complaint about child sexual abuse aware of their right to apply for redress under the Scheme.

4.3 The College will respond to all applications made under the Scheme in accordance with the Act and in a manner that is consistent with **The Council of Newington College: Guiding Principles for Responding to Civil Claims involving Allegations of Child Sexual Abuse**.

## 5. Requests for information

- 5.1 The College will respond promptly and thoroughly to all requests for information from the Scheme Operator.
- 5.2 All staff, volunteers, third party contractors, and external education providers must assist the College to comply with a request for information from the Scheme Operator, by providing relevant information and documentation to the Redress Claim Administrator within a given timeframe.
- 5.3 The College and its staff, volunteers, third party contractors, and external education providers will treat any information collected or provided in response to a request for information from the Scheme Operator as protected information, and must comply with clause 7 of this policy.

## 6. Direct personal response

- 6.1 The College will take reasonable steps to give a survivor a direct personal response in accordance with the Scheme.

**Note:** The direct personal response must be made in accordance with the [National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2019](#).

- 6.2 The Redress Claim Administrator will:

- (a) advise the survivor of the available options for a direct personal response;
- (b) provide all relevant details to the person who is to provide the direct personal response; and
- (c) make any required administrative arrangements.

- 6.3 A direct personal response from the College may involve one or more of the following:

- (a) a written apology or statement of acknowledgment or regret;
- (b) a public apology or statement of acknowledgment or regret;
- (c) an acknowledgement of the impact of the abuse on the survivor;
- (d) an assurance of the steps that the College has taken or will take to prevent abuse from occurring again; or
- (e) an opportunity for the survivor to meet with the Chair or a representative of the Council, the Headmaster, Deputy Headmaster or such other senior staff member of the College as agreed with the survivor.

- 6.4 A survivor is entitled to invite a support person, including a family member, friend or counsellor, to attend any meeting with the College.

- 6.5 The College and its staff will treat any information provided by a survivor as protected information, and must comply with clause 7 of this policy.

## 7. Protected information

- 7.1 The College will respect the privacy of all parties, and treat protected information as confidential.

- 7.2 The College, or a person acting on behalf of the College, may only obtain, record, disclose or use protected information to:
- (a) respond to a request for information from the Scheme Operator;
  - (b) provide a direct personal response to a survivor;
  - (c) facilitate a claim under an insurance policy; or
  - (d) undertake any internal investigation or disciplinary procedure.
- 7.3 Staff, volunteers, third party contractors and external education providers may only obtain, record, use or disclose protected information:
- (a) for the purposes of the Scheme; or
  - (b) with the express or implied consent of the College or the person to whom the protected information relates; or
  - (c) if the staff member, volunteer, third party contractor or external education provider believes on reasonable grounds that obtaining, recording, disclosing or using the information is necessary to prevent or lessen a serious threat to an individual's life, health or safety.
- 7.4 Any such action must be reasonably necessary in the circumstances, and the staff member, volunteer, third party contractor or external education provider must consider the impact that any disclosure of information might have on the person that it relates to.
- Note:** A person who obtains, records, uses or discloses protected information and is not authorised by or under the Scheme to do so is guilty of an offence, punishable by imprisonment of 2 years, 120 penalty units or both.
- 7.5 Any staff member, volunteer, third party contractor or external education provider who becomes aware that a person has breached this clause must notify the Redress Claim Administrator as soon as possible.

## 8. Reporting obligations

- 8.1 In accordance with its **Child Protection Incidents Procedures**, the College will report to the NSW Department of Family and Community Services or the NSW Police any reasonable suspicion arising through the Scheme that a child at the College is at risk of significant harm, including physical abuse, sexual abuse or serious emotional or psychological harm.
- 8.2 The College will report to the Office of the Children's Guardian any reportable conduct by a staff member, volunteer, third party contractor or external education provider of which it becomes aware through the Scheme, in accordance with its **Reportable Conduct Procedures**.
- 8.3 Any investigation of reportable conduct will be conducted in accordance with the College's **Reportable Conduct Procedures**, applying the principles of procedural fairness.

**Note:** In accordance with the **Reportable Conduct Procedures**, a staff member, volunteer, third party contractor or external education provider may be moved into alternate duties, or suspended from work, during an investigation.

- 8.4 The Redress Claim Administrator will inform the Scheme Operator if the College makes any report in accordance with this clause.
- 8.5 The College and its staff will treat any information obtained, recorded, disclosed or used in accordance with this clause (including in any investigation) as protected information, and must comply with clause 7 of this policy.

## 9. Disciplinary action

- 9.1 A staff member, volunteer, third party contractor or external education provider who is found to have engaged in conduct that constitutes reportable conduct will be subject to disciplinary action, including dismissal or termination of contract.
- 9.2 Where a staff member breaches this policy, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.
- 9.3 Where any Council member breaches this policy, the Council will take appropriate action.
- 9.4 Where any volunteer, third party contractor or external education provider breaches this policy, the College will take appropriate action.

## 10. Record Keeping

- 10.1 All records collected, generated or used for the purposes of this policy will be stored confidentially in a secure location, in accordance with the College's [Privacy Policy](#).
- 10.2 Information will be treated confidentially and shared on a 'need to know basis'. The College may share information that concerns the safety, welfare and wellbeing of children with other organisations responsible for child safety.
- 10.3 Nothing in this policy prevents the College from obtaining such internal or external professional or legal advice as the College considers necessary to respond to or manage applications made under the Scheme.

## Notes

### National Redress Scheme Policy

- Date approved: 25 March 2020
- Date commenced: 26 August 2020
- Date amended : 20 October 2022
- 1 December 2022 (non-substantive amendments)
- 6 January 2025 (non-substantive amendments)
- Related documents: [Boarder Child Protection Policy](#)
- [Boarding Professional Boundaries Policy](#)
- [Child Safety Code of Conduct](#)

Professional Boundaries Policy

Child Protection Incidents Procedures

Statement of Commitment to Child Safety

Reportable Conduct Procedures

The Council of Newington College: Guiding Principles for Responding to Civil Claims involving Allegations of Child Sexual Abuse

