



Child Safe Program

Child Safe Policy

1. Purpose and Scope

Our Child Safe Policy outlines the key elements of our approach to child protection as a child safe organisation and sets the tone for Shellharbour Anglican College's entire Child Safe Program. Together, our Child Safe Policy and Child Safe Program are intended to:

- Demonstrate our strong commitment to the safety and welfare of children and young people
- Minimise the risk of abuse, misconduct, and the misuse of positional power, and
- Inform all adults in the school community of their obligations and responsibilities in keeping children safe.

The Board of the Anglican Schools Corporation (ASC or the Corporation) is committed to providing for the safety and wellbeing of all children and young people entrusted to our care. This Child Safe Policy has been approved by the Board for implementation across ASC schools.

1.1 Our Commitment to Child Safety

We want all children and young people who attend Shellharbour Anglican College to feel and be safe. We are committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to participate in decisions that affect their lives.

We have a zero tolerance for *child abuse* and are committed to doing what we can to keep students safe from harm.

The College regards its child safety responsibilities with the utmost importance and is committed to providing the resources required to ensure compliance with all relevant child protection laws and regulations and maintaining a child safe culture.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of students is at the forefront of all that they do and every decision that they make. Key responsibilities include:

- Implementing the Child Safe Standards, including through this Policy and our Child Safe Program (refer Section 2 below)
- Educating and involving our students (refer Section 3 below)
- Involving and informing families and the community (refer Section 4 below)
- Respecting diversity and promoting equity (refer Section 5 below)
- Adhering to child safe practices in managing human resources (refer Section 6 below), including maintaining an up to date Working with Children Check clearance
- Participating in child safe induction and training as required by the Principal (refer Section 7 below)
- Understanding and managing risks to child safety (refer Section 8 below)
- Responding to child safety incidents or concerns (refer Section 9 below)
- Recognising and reporting where students may be at Risk of Significant Harm (refer Section 10 below)
- Recognising and reporting where *workers* engage in *reportable conduct* or other inappropriate behaviour (refer Section 11 below)
- Recognising and reporting where students engage in concerning or harmful sexual behaviour (refer Section 12 below)
- Compliance, monitoring and continuous improvement (refer Section 13 below)
- Taking appropriate action if there is a breach of our Child Safe Policy or codes of conduct (refer Section 14 below).

Further information on roles and responsibilities is provided in Section 15 of this Policy.

1.2 Application and Scope

The College Child Safe Policy applies to all adults in the College community, including employees, volunteers, contractors, external education providers, parents/carers and other family members. This policy applies in all College environments, both physical and online, and on-site and off-site College grounds (e.g., camps and excursions).

Where the term student is used in this Policy, it is referring to all students enrolled at the College regardless of age. Words *italicised* in this policy are defined in Section 16.

2. Child Safe Standards

The College Child Safe Policy and the broader program of works to implement the Policy (our Child Safe Program) has been developed taking into account the NSW Child Safe Standards, which in turn are based on the National Principles for Child Safe Organisations developed by the National Office for Child Safety in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Child Safe Standards are:

1. Child Safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Employees are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

3. Educating and Involving Our Students

Shellharbour Anglican College is a child safe and child-centred organisation. Our environment is friendly and welcoming to all students.

We seek to give students a voice in relation to the decisions that affect them. We also recognise the importance of friendships to students, and support from peers is encouraged.

We have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

The College will educate students on respectful relationships, their rights and how to speak up and report concerns. This will be achieved by:

- Facilitating developmental age-appropriate conversations about consent, sex and abuse and how adults should behave, including healthy and respectful relationships
- Ensuring students can raise concerns with the College about safety, abuse or other harm through maintaining accessible student friendly reporting systems throughout the College
- Regularly communicating and consulting with students
- Seeking input from students when developing the Child Safe Program.

4. Involving and Informing Families and Our Community

The families of our students have primary responsibility for raising their children and we will work with them to enable families to be informed about, and participate in, decisions affecting their children.

The College will make our Child Safe Policy, Code(s) of Conduct, and our [Complaints Handling Policy and Procedure](#) and related procedures for managing child safe incidents and allegations of reportable conduct available on the College's public website to ensure that they are readily accessible to all members of the Community.

5. Respecting diversity and promoting equity

Shellharbour Anglican College respects diversity and promotes equality and equity. We recognise that students have diverse needs, abilities and backgrounds, and that some children and young people may be more vulnerable because of their background, life experience or their sexuality or gender.

We seek to understand the needs of students with the aim of providing them with reasonable support so that they are able to appropriately participate in College life, feel culturally safe, and know that they are valued and welcome. We consider the additional risks to safety that students with diverse needs, abilities and backgrounds may face and implement strategies to address these risks.

6. Child Safe Human Resources Management

When making employment decisions and managing our workers (including employees, volunteers and contractors), Shellharbour Anglican College takes proactive steps to only engage people who are suitable to work with children and young people, including:

- Requiring all workers to hold and maintain a valid Working with Children Check (WWCC) clearance from the Office of the Children’s Guardian (OCG), in accord with our **Working with Children Check Procedure**, even if they do not engage in child related work – with this requirement also extending to the members of the ASC Board and ASC Board Committees and School Councils (collectively referred to as governors)
- Undertaking screening measures, including reference checks, to assess the suitability of all employees and governors with regards to working with children
- Undertaking screening measures to assess the suitability of volunteers or contractors who have direct contact with students to confirm suitability for working with children
- Providing all employees, governors and other relevant contractors and volunteers child safe induction and ongoing education and training as appropriate to their role
- Providing appropriate supervision and performance monitoring for all employees and for volunteers and contractors who have direct contact with students, and
- Ensuring that professional development programs for employees include Child Safe education and training programs.

Our Child Safe Human Resources Management procedure provides further information to enable compliance with the Policy.

7. Child Safe Induction, Training and Education

As part of Shellharbour Anglican Collegé’s induction process, we require all workers to complete induction in our child safety policies, practices and procedures.

The College will ensure all employees and governors are provided with a copy of this Policy. All new employees and governors will be required to read this Policy and acknowledge that they have read and understood the Policy and related procedures and codes of conduct as part of their induction process.

New employees and other workers who undertake child related work (including Direct Contact Contractors and Direct Contact Volunteers) must complete Child Safe training as part of their induction training – ideally prior to commencement but no later than one month after commencement if approved by the Principal.

All employees at the College and all Corporation governors and other workers who undertake child related work (including Direct Contact Contractors and Direct Contact Volunteers) must complete mandatory child safe refresher training at least annually, and any other training, as required by the

Principal. Additional role-based training needs will be assessed, and specific training provided to meet the specific needs of roles, including, for example, additional targeted training for Child Safe Officers.

The College will monitor the completion of training and report completion rates to the School Council. Our Child Safe Training, Supervision, Performance Monitoring and Professional Development procedure provides further information on training requirements and how monitoring of training occurs.

The College provides all other workers and visitors with information on child safe codes of conduct and how to report child safe incidents or concerns to the College or to relevant external authorities through posters, our website or other means.

8. Risk Management

Anglican Schools Corporation and Shellharbour Anglican College recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur, and we use this information to inform our policies, procedures and activity planning.

The College has implemented the Anglican Schools Corporation Risk Management Framework to assist in the identification, assessment and management of child safety risks in all College environments.

We identify, assess and manage Child Safe risks in all school environments based on a range of factors, including the nature of our College's activities, physical and online environments and the characteristics of the student body. We document child safe risks and risk management plans, and regularly review child safe risks and controls, as required under the Risk Management Framework.

9. Responding to Child Safety Incidents or Concerns

Shellharbour Anglican College will take appropriate, prompt action in response to child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm made to the College.

The College's response will include:

- externally reporting all matters that meet the required relevant thresholds to the Department of Communities and Justice (DCJ) (Mandatory Reports), the Police (Mandatory Reporting of Child Abuse Offences), and/or the OCG (Reportable Conduct), depending on the issues raised
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- sharing information with, or requesting information from, external people or agencies as permitted or required under the law
- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

10. Recognising and Reporting Student Wellbeing Concerns

10.1 Reporting Requirements

All *workers* should immediately report to the Principal or a designated Child Safe Officer (refer Definitions) if they have *reasonable grounds to suspect* that a student is at *risk of significant harm* or they have any other *wellbeing concerns* regarding a student. Child Safe Officers must inform the Principal of any report as soon as possible.

Workers are not required to and must not undertake any investigation of the matter.

The Principal/Child Safe Officer will:

- Make an assessment to determine whether there are *reasonable grounds to suspect* that the *child or young person* is at risk of significant harm
- Make relevant mandatory reports to the DCJ and, if required, the Police
- Determine what action must be taken within the College community to support and protect the student.

The College Child Safe Officers are:

Principal	Mrs Megan Hastie
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Deputy Principal - Strategy & Innovation	Mr Liam Bailey
Head of Senior School	Mrs Kelly Russell
Head of Junior School	Mr Brian Host

All teachers are *mandatory reporters* under the Child and Young Persons (Care and Protection) Act 1998 NSW (the Act) and some other *workers* may also qualify as *mandatory reporters* under the Act (refer Definitions). *Mandatory reporters* are legally required to make a report if they have *reasonable grounds to suspect* a child (under 16 years of age) is at Risk of Significant Harm. This obligation can be met by making a report to the Principal. Centralised reporting is best practice, enabling a more holistic view of matters related to a student and assuring appropriate action.

However, if the Principal does not agree with the *mandatory reporter's* view that a *child or young person* is at Risk of Significant Harm, having worked through the DCJ [NSW Mandatory Reporter Guide](#), and the *mandatory reporter* remains of the view that the *child or young person* is at Risk of Significant Harm, the *mandatory reporter* has a legal duty to make a report to the DCJ.

10.2 Immediate Danger

If there is an immediate danger to the *child or young person* and the Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior employee (at the College) as soon as possible.

10.3 Risk of Significant Harm

A *child or young person* is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met

- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act
- the child or young person has been, or is at risk of being, *physically* or *sexually abused* or *ill-treated*
- 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*
- a parent or other caregiver 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*
- the child was the subject of a pre-natal report under section 25 of the Children and Young Persons (Care and Protection Act) 1998 (NSW) and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent', is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare or well-being.

The significance can result from a single act or omission or an accumulation of these.

10.4 Student Wellbeing Concerns

A *worker* may have a wellbeing concern for a student that does not meet the threshold of risk of significant harm or where the student is not a child or young person. Such concerns must still be reported to the Principal or Child Safe Officer to enable:

- Assessment of concerns in conjunction with other information of which the Principal or Child Safe Officer may be aware, and
- Determining whether the College should take action to support and protect the wellbeing of a student, regardless of whether the risk of significant harm threshold has been met.

10.5 Confidentiality and Record Keeping

Workers are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominates (such as a Child Safe Officer), and, if required, the DCJ or Police.

Workers are not permitted to inform the parents or caregivers that a report to the DCJ has been made.

The Principal will maintain records of all mandatory reports to the DCJ in a secure location.

10.6 Related Procedures

To make a report regarding student wellbeing concerns, including Risk of Significant Harm, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

11. Recognising and Reporting Reportable Conduct

11.1 Reporting Requirements

A *worker* at the College who has any concern about any other *worker* at the College engaging in conduct that is considered inappropriate or is *reportable conduct* (refer Section 11.2) must report their concerns to the Principal as soon as possible.

Workers must also report immediately to the Principal if they become aware of any allegation of inappropriate conduct or *reportable conduct* in relation to themselves or another *worker* at the College.

The conduct does not have to have occurred at or in the course of the *worker's* work at or for the College.

Where it is uncertain if the conduct is *reportable conduct* but is considered inappropriate behaviour, this must also be reported.

If the concern or allegation involves the Principal the *worker* must report to the Chair of the College Council. If this is not appropriate, the Your Call Disclosure Management Service can be used. **(Note 1)**

Workers must also report to the Principal if they become aware that a *worker* has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving *reportable conduct*. This includes information relating to the *worker* themselves.

Workers are not required to and must not undertake any investigation of the matter. The Principal, as the delegated Head of Entity under the Children's Guardian Act 2019 must submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse) and then investigate the allegation of *reportable conduct* in accordance with our Reportable Conduct Procedure.

Note 1 - The Your Call service reporting options include:

<https://www.yourcall.com.au/report>

Telephone 1300 790 228 9am and 12am, recognised business days, AEST

Online reports can be made via the website address listed above. You will be required to enter the Corporation's unique identifier code: **ASC**

11.2 What is Reportable Conduct?

Under the Children's Guardian Act 2019, reportable conduct is defined as:

- a *sexual offence* (with examples including sexual touching of a child; a child *grooming* offence; and production, dissemination or possession of child abuse material)

- **sexual misconduct**

- an *assault* against a child
- *ill-treatment* of a child
- *neglect* of a child
- an offence under section 43B (*failure to protect*) or section 316A (*failure to report*) of the Crimes Act 1900, and
- *behaviour that causes significant emotional or psychological harm* to a child.

For the purposes of *reportable conduct*, a child is defined as a person under the age of 18 years. The child or young person does not have to be a student at the College.

Reportable conduct does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures.

11.3 Inappropriate Behaviour

Behaviour that is not in accordance with the College's Code(s) of Conduct and/or Professional Boundaries Policy should be reported to the Principal in accordance with Section 11.1. Breaches of the Code(s) of Conduct/Professional Boundaries Policy will not always constitute *reportable conduct* and may not result in a report to the OCG but must be reported internally to enable assessment and appropriate action to be taken.

11.4 Confidentiality and Record Keeping

It is important when dealing with allegations of *reportable conduct* that the matter be dealt with as confidentially as possible.

Workers who make reports to the Principal regarding concerns of *reportable conduct* or inappropriate behaviour must not discuss these concerns with anyone other than persons nominated by the Principal.

The College requires that all parties maintain confidentiality during any investigation of *reportable conduct* including in relation to the handling and storing of documents and records.

The Principal will maintain records of all reports of *reportable conduct* allegations and the outcomes of *reportable conduct* investigations, in a secure location.

11.5 Related Procedures

To make a report regarding *reportable conduct* or inappropriate behaviour, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

12. Recognising and Reporting Harmful or Concerning Sexual Behaviour in Students

12.1 Harmful or Concerning Sexual Behaviours

College employees respond to a range of student behaviour as a part of their everyday role at the College. It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

As a general guide:

- Harmful “Red light” sexual behaviours are those that are problematic or harmful, forceful, secretive, compulsive, coercive or degrading. These behaviours signal the need to provide immediate protection and follow up support
- Concerning “Orange light” sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support
- Age-appropriate “Green light” sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

12.2 Reporting and Response Requirements

All sexual behaviour displayed or disclosed by students, whether it is age-appropriate, concerning, or harmful, requires some level of information, support and a proactive response from the College. Responding to a student with harmful sexual behaviours involves considering the College's duty of care to any student who is an alleged victim and to the student who may be exhibiting harmful sexual behaviours.

Workers are required to report immediately to the Principal or a designated Child Safe Officer any incident where a student is exhibiting Harmful or Concerning Sexual Behaviour (refer 12.1 above).

This may include behaviour outside the College which has the potential to impact on student relationships or wellbeing.

If such behaviour is directed at another student, immediate steps must be taken to protect the other student.

If there is an immediate danger to a child or young person and the Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior employee (at the College) as soon as possible.

The Principal or a designated Child Safe Officer will determine actions to be taken, based on an assessment of the behaviour outlined in 12.1 above, which may include:

- Where the behaviour is directed at another student, reporting the matter to the Police and/or DCJ
- Plans to support the student exhibiting Harmful or Concerning Sexual Behaviours and any students at which behaviour has been directed
- Whether the behaviour is a result of, or places the student at, risk of abuse or serious harm and a Mandatory Report is required to the DCJ and/or Police (Section 9) – including where the harmful sexual behaviour is not directed at another child or young person, or where the student exhibiting the behaviour is under the age of 10, and there is reason to suspect that the student's behaviour is a result of or places them at risk of abuse or other harm.

12.3 Related Procedures

To further understand what student sexual behaviour may be concerning or harmful and making a report regarding concerns in the regard, refer to our Recognising and Responding to Sexual Behaviour in Children and Young People Procedure.

Our Student Duty of Care policies and procedures are also relevant, particularly in relation to Student Behaviours.

13. Compliance, Monitoring and Continuous Improvement

Shellharbour Anglican College is committed to the continuous improvement of our Child Safe Program. An annual self-assessment is completed to confirm the effectiveness of the Program and

compliance with relevant laws, regulations and standards, and determine areas for improvement.

The College seeks feedback from students, families, workers and the wider school community on the Child Safe Program, and will communicate any adjustments or amendments throughout the College community.

The College also analyses child safe related complaints and investigations and other child safe related concerns and incidents to inform continuous improvement of child safe related policies, procedures, systems and practice.

The Principal is required to provide an annual statement and other ongoing relevant reporting regarding compliance with, and the effectiveness of, this Policy and the Child Safe Program to the College Council and the Corporation Board.

The Principal is required to report on significant Child Safe related concerns or risks and any significant breaches of this Policy to the College Council and the Corporation Board.

14. Breach of the Child Safe Policy

Shellharbour Anglican College enforces our Child Safe policy and our Code(s) of Conduct. In the event of any non-compliance, we will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- Remedial education
- Counselling
- Increased supervision
- The restriction of duties
- Suspension, in the case of serious breaches, termination of employment, contract or engagement
- Other action as may be required in the circumstances.

15. Roles and Responsibilities

Child safety and child protection is everyone's responsibility. Specific responsibilities are summarised in Table 1.

Role	Responsibilities
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<p>Workers</p>	<p>All workers (refer definitions) are required to:</p> <ul style="list-style-type: none"> • comply with our Child Safe Policy and Codes of Conduct • complete induction in our child safety policies, practices and procedures • hold a current Working with Children Check clearance in accord with our Working with Children Check Procedure. <p>All employees, and other workers who have <i>direct contact</i> with students, must also:</p> <ul style="list-style-type: none"> • be aware of key indicators of abuse and other harm, be observant, and raise all child safety incidents and concerns with one of the College’s Child Safe Officer • be familiar with our Child Safe Program and understand their legal obligations with respect to the reporting of child abuse and other harm • participate in ongoing child safe training provided by the College • always follow the College’s child safety policies and procedures in the Child Safe Program • act in accordance with the College Code(s) of Conduct • seek to ensure students views are taken seriously and their voices are heard when making decisions that affect them • implement inclusive practices that respond to the diverse needs of students.
<p>College Child Safe Officer</p>	<p>A number of senior staff members are nominated as the College’s Child Safe</p>

	<p>Officers. Our Child Safe Officers receive additional specialist training with respect to child safety and protection issues. They are a point of contact for raising child safety concerns within the College. They are also responsible for championing child safety within the College and assisting in coordinating responses to child safety incidents.</p>
<p>The Principal</p>	<p>The Principal is responsible, and will be accountable for the operational management of the College, and the Child Safe Program. The Principal is responsible for taking all reasonable measures to ensure that this Child Safe Policy and the College’s Child Safe Program is implemented effectively and that a strong and sustainable child safe culture is maintained within the College.</p>
<p>College Council</p>	<p>The College Council is responsible for ensuring that the College has appropriate resources to effectively implement the NSW Child Safe Standards and our Child Safe Program, and to support the Principal in the practical application of the College’s child safety strategies, policies, procedures and work systems. The Council receives regular reporting on Child Safe matters.</p>
<p>ASC Board</p>	<p>The ASC Board is responsible for approving the Child Safe Policy and establishing appropriate oversight to assure itself of the effectiveness of the Child Safe Policy and related programs at each ASC school and the effective implementation of the Child Safe Standards.</p>

Table 1 – Roles and Responsibilities

16. Definitions and Explanation

Term	Meaning
Assault	<p>(a) The intentional or reckless application of physical force without lawful justification or excuse, or</p> <p>(b) Any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence</p> <p>An assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):</p> <ul style="list-style-type: none"> • applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or • causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)
Behaviour that causes significant emotional or psychological harm	Behaviour that causes significant <i>emotional or psychological harm</i> to a child is conduct that is

	<p>intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.</p> <p>For an allegation of <i>reportable conduct</i> involving psychological harm, the following elements must be present:</p> <ul style="list-style-type: none"> • An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and • Evidence of psychological harm to the child that is more than transient, including displaying patterns of ‘out of character behaviour’, regression in behaviour, distress, anxiety, physical symptoms or self-harm, and • An alleged causal link between the employee’s conduct and the significant emotional or psychological harm to the child.
<p>Child</p>	<p>Child is defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is under the age of 16 years. For the mandatory reporting regime, therefore, a Child is under 16 years, and a young person is aged 16 or 17.</p> <p>For the purpose of the Children’s Guardian Act reportable conduct scheme, a Child is a person aged under 18 years.</p>
<p>Child Abuse</p>	<p>Child abuse includes <i>neglect, sexual abuse,</i></p>

	<p><i>physical abuse</i>, and emotional abuse that can lead to serious <i>psychological harm</i>.</p>
Child Safe Officer	<p>Person nominated by the Principal to act as a point of contact for <i>workers</i> and students on child protection matters. Child Safe Officers need to take action when any child protection incidents are reported to them, including immediately informing Principal and providing support to affected members of the College community. Child Safe Officers may also be required to review and monitor the effectiveness of the College's processes and procedures to respond to allegations or disclosures.</p>
Child Related Work	<p>Under the Act and related Regulation (and of relevance to the College), child-related work is work for, or in connection with, any of the following:</p> <ul style="list-style-type: none">• mentoring and counselling services for children• direct provision of child health services• disability services for children with a disability• clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children• education and care services, child care centres, nanny services and other child care• sporting, cultural or other entertainment venues used primarily by children and

	<p>entertainment services for children</p> <ul style="list-style-type: none">• justice services, such as detention centres• any religious organisation where children form part of the congregation• private coaching or tuition to children• boarding houses or other residential services for children and overnight camps for children• transport services especially for children, including College bus services and taxi services for children with a disability and supervision of School road crossings• a cleaner providing cleaning services at the College is child-related work, and• 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). <p>An employer can also require a <i>worker</i> to have a WWCC clearance if they have access to confidential records or information about children, and as such, the Anglican Schools Corporation requires all <i>workers</i> to have a WWCC clearance.</p>
Contractor	<p>Any person who is not an employee of ASC but who performs services for ASC (including for any ASC School or Group Office) under a contractual arrangement, either directly with the person, or with an organisation that employs or subcontracts the person.</p>

<p>Direct Contact</p>	<p>Section 6 of the Child Protection (Working with Children) Act 2012 (NSW) defines “direct contact” as physical contact or face-to-face contact.</p> <p>Direct contact contractors or volunteers may have direct contact with students in circumstances where:</p> <ul style="list-style-type: none">• they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support), or• a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library), or• a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).
<p>Direct contact contractor or direct contact volunteer</p>	<p>Means a contractor or volunteer who, in the usual course of providing services, could potentially have “direct contact” with students.</p> <p>Examples of direct contact contractors may include:</p> <ul style="list-style-type: none">• maintenance workers who regularly work at times when students are present• tutors• specialist music or drama teachers

	<ul style="list-style-type: none"> • casual teachers • sporting team coaches • outdoor education specialists • physical education service providers. <p>Examples of direct contact volunteers include individuals who:</p> <ul style="list-style-type: none"> • attend a school camp or excursion • assist a student during a learning activity • assist a student to complete tests or exams (e.g. as a scribe or reader) • coach, manage, or assist with the coaching or managing, of sports at a school • assist with theatre or music productions • tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating • assist or volunteer in a School canteen or uniform shop.
<p>Domestic Violence</p>	<p>Domestic violence is behaviour towards a family member that may include:</p> <ul style="list-style-type: none"> • physical violence or threats of violence • verbal abuse, including threats • emotional or psychological abuse • sexual abuse • financial and social abuse.
<p>Failure to Protect Offence</p>	<p>Under section 43B of the Crimes Act 1900 (NSW) – Failure to reduce or remove risk of child becoming victim of child abuse – an adult working in a school (therefore all <i>workers</i>) will commit an offence if they know another adult working there poses a serious risk of</p>

	<p>committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.</p> <p>This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.</p>
<p>Failure to Report Offence</p>	<p>Under section 316A of the Crimes Act 1900 (NSW) – Concealing a child abuse offence – Any adult will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.</p>
<p>Grooming</p>	<p>Definitions of ‘grooming’, within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a ‘special care’ relationship. Under Schedule 1(2) of the Child Protection (Working with Children) Act, grooming is recognised as a form of sexual misconduct. The Children’s Guardian Act 2019 and this Child Safe Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).</p>

	<p>In general terms, grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person’s compliance, maintaining the child or young person’s silence, and avoiding discovery of the sexual abuse.</p> <p>Grooming is often defined as the use of a variety of manipulative and controlling techniques with a vulnerable subject in a range of inter-personal and social settings in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.</p>
<p>Ill-treatment</p>	<p>Of a child, means conduct towards a child that is:</p> <ul style="list-style-type: none"> • unreasonable, and • seriously inappropriate, improper, inhumane or cruel. <p>Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.</p>
<p>Mandatory Reporter</p>	<p>Under section 27 of the Children and Young Persons (Care and Protection) Act 1998, the</p>

following persons are required to make mandatory reports:

(a) A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children

(b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children

(c) a person in religious ministry, or a person providing religion-based activities to children, and

(d) a registered psychologist providing a professional service as a psychologist.

Neglect

Of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

(a) a person with parental responsibility for the child, or

(b) an authorised carer of the child, or

(c) an employee, if the child is in the employee’s care.

	<p>Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.</p>
Physical abuse	<p>A non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other person.</p> <p>It includes, but is not limited to, injuries which are caused by:</p> <ul style="list-style-type: none">• excessive discipline• severe beatings or shakings• cigarette burns• attempted strangulation• female genital mutilation. <p>Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints.</p>
Psychological Harm	<p>Refers to a parent or caregiver's inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. The behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.</p>

<p>Reasonable grounds to suspect</p>	<p>'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:</p> <ul style="list-style-type: none">• first-hand observations of the child, young person or family;• what the child, young person, parent or another person has disclosed;• what can reasonably be inferred based on professional training and / or experience. <p>'Reasonable grounds' does not mean a person is required to confirm their suspicions or have clear proof before making a report.</p>
<p>Reportable conduct</p>	<p>The following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ul style="list-style-type: none">(a) a <i>sexual offence</i>(b) <i>sexual misconduct</i>(c) <i>ill-treatment</i> of a child(d) <i>neglect</i> of a child(e) an <i>assault</i> against a child(f) an offence under section 43B (<i>failure to protect offence</i>) or 316A (<i>failure to report offence</i>) of the Crimes Act 1900(g) <i>behaviour that causes significant emotional or psychological harm</i> to a child. <p>Reportable Conduct does not include:</p>

	<ul style="list-style-type: none"> • conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or • the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures.
<p>Sexual abuse</p>	<p>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.</p> <p>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</p>
<p>Sexual misconduct</p>	<p>Conduct with, towards or in the presence of a child that—</p> <p>(a) is sexual in nature, but</p> <p>(b) is not a sexual offence.</p> <p>The Act provides the following (non-exhaustive) examples:</p>

	<ul style="list-style-type: none"> • descriptions of sexual acts without a legitimate reason to provide the descriptions • sexual comments, conversations or communications • comments to a child that express a desire to act in a sexual manner towards the child, or another child. <p>Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).</p>
Sexual offence	<p>An offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:</p> <ul style="list-style-type: none"> • sexual touching of a child • a child grooming offence • production, dissemination or possession of child abuse material. <p>An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.</p>
Student	Any person enrolled at the College regardless of age.
Worker	Means any person who is engaged in work in

	<p>any of the following capacities:</p> <p>(a) as an employee,</p> <p>(b) as a self-employed person or as a contractor or subcontractor,</p> <p>(c) as a volunteer (including governors),</p> <p>(d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),</p> <p>(e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.</p>
<p>Young Person</p>	<p>Defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is aged 16 years or above, but who is under the age of 18 years.</p>

Table 2 – Definitions

17. Relevant Legislation

- Education Act 1990 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children’s Guardian Act 2019 (NSW)
- Crimes Act 1900 (NSW)
- Civil Liability Act 2002 (NSW)

18. Related Policies

- Shellharbour Anglican College Code(s) of Conduct applicable to Employees, Contractors, Volunteers, parents and visitors, including Professional Boundaries
- Student Code(s) of Conduct
- Complaints Handling Policy and Procedure
- Privacy Policy
- Reporting of Significant Matters to the Board Policy
- Risk Management Framework
- Whistleblower Policy

19. Policy Review and Administration

The Policy shall be reviewed annually or in the event of any information arising that would demonstrate the need for a review or resulting from any legislative or organisational change that would warrant a review.

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