



Child Protection Policy and Procedure- Keeping Them Safe



Incorporating Campuses:

Alesco Senior College - Newcastle
Alesco Senior College - Raymond Terrace
Alesco Senior College - Cessnock
Alesco Senior College – Tuncurry
Alesco Senior College – Tomaree
Alesco Senior College – North Lakes

Title Child Protection Policy and Procedure- Keeping Them Safe

Date of Endorsement 30.10.2018 **Review Date** 11.12.2020

In all documentation the term ‘Alesco’ or ‘the school’ should be taken to mean Alesco Senior College (ASC) and any or all of its campuses and operations. Whilst students at Alesco Senior College are classed as ‘young people’ in relation to other Policy and Procedures, due to the legal requirements and standards of this Policy all students will be referred to as **child/children**.

Review Panel The School Principal, Head Teacher, Student Welfare Officer and Senior Student Welfare Officer are all to be involved in the review of this policy

Rationale Alesco Senior College is a special assistance school committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. All staff employed by Alesco Senior College are responsible for the care and protection of children and reporting information about child abuse.

This extends to the identification and timely response to concerns and disclosures related to neglect, sexual abuse, physical abuse, psychological abuse and emotional abuse of children and young people.

The purpose of this policy is:

1. To make explicit to all staff their responsibility in reporting risk of harm concerns about children, within their roles, and to provide support to children where necessary;
2. To provide information on the culture of child safety within the organisation;
3. To ensure that all staff are aware of their mandatory obligation to report suspected risk of significant harm and the procedures for doing so.
4. To ensure all staff are aware of their responsibility for identifying possible occasions for child abuse and for establishing controls and procedures in identifying and detecting such abuse when it occurs;
5. To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect abuse of a child;

Scope This policy relates to all campuses.

Principles

1. Alesco Senior College is committed to promoting and protecting the best interests of children involved in its programs;
2. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse;

3. Alesco Senior College has zero tolerance for child abuse. Everyone working at Alesco Senior College is responsible for the care and protection of the children within their care and the reporting of information about suspected child abuse;
4. Child protection is a shared responsibility between Alesco Senior College and all employees, workers, contractors, associates, and members of the Alesco Senior College community;
5. Alesco Senior College supports and respects all children, staff and volunteers.

KEY LEGISLATION

The key pieces of child protection legislation in New South Wales are:

- The Children and Young Persons (Care and Protection) Act 1998;
- The Children's Guardian Act 2019 (NSW);
- Child Protection (Working with Children) Act 2012 (NSW);
- Education Act 1990 (NSW)

DEFINITIONS

Child is defined as a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act, which exposes a child to, or involves a child in, sexual activity beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Reasonable grounds for belief is a belief that child abuse has occurred when all relevant considerations or facts are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a staff member believes that:

- the child is in need of protection;
- the child has suffered or is likely to suffer ‘significant harm as a result of physical injury’;
- the parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ might be formed if:

- a child states that they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused, sometimes the child may be talking about themselves;
- someone who knows a child states that the child has been physically or sexually abused;
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused;
- signs of abuse lead to a belief that the child has been physically or sexually abused.

The Care and Protection Act

The Care and Protection Act provides for *mandatory reporting* of children at risk of significant harm.

What is Mandatory Reporting?

Under the Care and Protection Act:

Mandatory reporting describes the legislative requirement where a principal, teacher and/or those working with children have an obligation, on reasonable grounds, to suspect that a child is at risk of significant harm- including physical, sexual, emotional/psychological abuse and/or neglect or exposure to domestic violence.

Significant harm

A child is at ‘risk of harm’ if current concerns exist for the safety, welfare or wellbeing of the child because of any one or more of the following:

- ill treatment- sexual abuse, neglect, emotional and psychological abuse;
- the impairment of physical or mental health;
- the impairment of physical, intellectual, emotional, social or behavioural development;
- lack of appropriate medical care.

The Board of Alesco Senior College (ASC) has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The Principal of Alesco Senior College is responsible for:

- ensuring all staff have completed a WWCC (Working With Children Check), participated in an initial child protection induction and an update during the past year;
- educating staff on the indicators of abuse and neglect of children;
- ensuring all adults within the Alesco Senior College community are aware of their mandatory obligation to report suspected risk of significant harm of a child in accordance with these policies and procedures;
- making staff aware of their obligation to advise their Head Teacher or Student Welfare Officer (or Senior Student Welfare Officer or Principal if necessary) of concerns about the safety, welfare and wellbeing of children that arise;
- reporting any reasonable belief (and confirmed) that a child's safety is at risk to the relevant authorities such as Police and/or Family and Community Services (FACS);
- ensuring the staff member who reported the suspected abuse, and SSWO, will receive a copy of the *Mandatory Reporter Guide* decision report and/or FACS reference number if the Police and/or FACS need to be notified;
- providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All Head Teachers (HT), Student Welfare Officers (SWO) and the Senior Student Welfare Officer (SSWO) must ensure that they:

- familiarise themselves with the relevant laws, the *Code of Conduct*, and Alesco Senior College policy and procedures in relation to child protection, and comply with all requirements;
- complete a WWCC (Working With Children Check), initial child protection induction and annual training update during the year;
- promote child safety at all times;
- assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible;
- educate teachers about the indicators and detection of child abuse;
- are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct;
- support teachers in their mandatory obligation to report inappropriate behaviour or suspected abusive activities via the ASC *Child Protection Risk of Harm Notification Report-Keeping Them Safe*;
- Complete the *Mandatory Reporter Guide* from the *Child Wellbeing Unit 'keep them safe'* when a staff member has reported to them risk of harm concerns;
- adhere to mandatory procedures for conveying risk of harm concerns to the Principal;
- ensure that the Principal has reported significant risk of harm concerns to the Police and Family and Community Services and they have been notified with the FACS reference number.

All staff/volunteers/contractors share the responsibility for the prevention and detection of child abuse, and must:

- familiarise themselves with the relevant laws, the *Code of Conduct*, and Alesco Senior College policy and procedures in relation to child protection, and comply with all requirements;
- complete a WWCC (Working With Children Check), initial child protection induction and annual training update during the year;
- adhere to mandatory procedures for conveying risk of harm concerns to their supervisor (HT or SWO); via the *ASC Child Protection Risk of Harm Notification Report-Keeping Them Safe*;
- ensure they receive a *Mandatory Reporter Guide* decision report from their supervisor following risk of harm concerns;
- ensure their supervisor reports *confirmed* (via the appropriate tools) risk of harm to the SSWO and Principal;
- ensure the Principal has reported *confirmed* risk of harm concerns to the Police and FACS and they have been notified with the FACS reference number;
- report directly to the Police and/or FACS if they believe their Principal has not reported risk of significant (and confirmed) harm concerns to the above authorities, and there are still concerns;
- provide an environment that is supportive of all children’s emotional and physical safety.

Policy

EMPLOYMENT OF NEW STAFF

- Alesco Senior College requires all workers/volunteers to pass through the organisation’s recruitment and screening processes prior to commencing their engagement with Alesco Senior College including a Working With Children Check (WWCC);
- Alesco Senior College may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence work and during their time there at regular intervals.

Alesco Senior College undertakes a comprehensive recruitment and screening process for all workers and volunteers that aims to:

- promote and protect the safety of all children under the care of the organisation;
- identify those prospective employees who share Alesco Senior College’s values and commitment to protect children;
- prevent a person from working at Alesco Senior College if they pose a risk to children.

RISK MANAGEMENT

Alesco Senior College will ensure that child safety is a part of its overall risk management approach.

REPORTING

- Any staff member, volunteer or contractor who has reasonable grounds to suspect abusive activity or risk of harm must adhere to their mandatory obligation and immediately notify their supervisor;
- In situations where the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the Principal or next highest level of supervision;
- Supervisors must Complete the *Mandatory Reporter Guide* from the *Child Wellbeing Unit 'keep them safe'* when a staff member has reported to them risk of harm concerns;
- The staff member who reported the suspected abuse must receive a copy of the *Mandatory Reporter Guide* decision report;
- Supervisors must adhere to mandatory procedures for conveying confirmed risk of harm concerns to the Principal;
- The Principal reports the allegation to the Office of the Children's Guardian within 7 business days of being made aware of the allegation and provides a report within 30 business days;
- The Principal reports significant (and confirmed) risk of harm concerns to the Police and FACS;
- The Principal ensures that the staff member and/or supervisor who reported the suspected abuse will receive a copy of the *Mandatory Reporter Guide* decision report and/or FACS reference number if the authorities need to be notified.

INVESTIGATING

If the Police and/or FACS decide to investigate a report, all employees, contractors or volunteers must co-operate fully with the investigation.

The Office of the Children's Guardian can:

- Monitor the progress of the investigation
- Conduct an investigation independently
- At the receipt of interim or final report, can request further information and/or provide feedback.

Whether or not the authorities decide to conduct an investigation, the Principal will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any action of the authorities, the Principal may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The nature of the investigations are kept confidential; ensuring relevant consultations occur with necessary stakeholders.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Executive Director shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety.

Alesco Senior College has safeguards and practices in place to ensure any personal information is protected. The Principal, SSWO and/or SWO will secure records, authority reference numbers and related papers in confidential storage at each ASC campus.

REVIEWING

Every two years, and following every reportable incident, a review is conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

RELATED DOCUMENTS and FORMS



WEA Hunter Staff *Code of Conduct* Policy and Procedure



Alesco Senior College Child Protection Operational Policy and Procedure



Child Protection Risk of Harm Referral Form



Staff Registry of Child Protection Trainings & Updates

Reference Documentation

- The Children and Young Persons (Care and Protection) Act 1998;

<https://education.nsw.gov.au/policy-library/policies/child-protection-policy-responding-to-and-reporting-students-at-risk-of-harm>

- The Children's Guardian Act 2019 (NSW);

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2019-025>

- Child Protection (Working with Children) Act 2012 (NSW);

<https://www.legislation.nsw.gov.au/#/view/act/2012/51>

- Education Act 1990 (NSW)

<https://www.legislation.nsw.gov.au/#/view/act/1990/8/whole>

- Commission for Children and Young People Act 1998 No 146

<https://www.legislation.nsw.gov.au/#/view/act/1998/146>

- Mandatory Reporter Guide

<https://reporter.childstory.nsw.gov.au/s/>



Procedure: please refer to Appendix 1: *Child Protection Procedure- Keeping Them Safe*

APPENDIX 1: *Child Protection Procedure- Keeping Them Safe*

Procedure All Alesco Senior College (ASC) Campuses

Responsibilities

The Principal of ASC will be responsible for:

- using appropriate tools (if a report is made directly to them) to inform decision making where there are concerns about risk of harm. These include:

Professional judgment or specialist advice

The online **Mandatory Reporter Guide:**

<https://reporter.childstory.nsw.gov.au/s/>

Child Wellbeing Unit 'keep them safe':

<https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/contacting-the-child-wellbeing-unit>

- ensuring all staff at ASC undertakes the reading, discussion and signing of the organisation's *Code of Conduct* as part of their staff induction with Human Resources;
- ensuring a register is kept of all staff at ASC participating in an initial child protection induction and annual training updates during the year;
- reporting any reasonable belief, and confirmed belief, that a child's safety is at risk to the relevant authorities such as Police and/or Family and Community Services (FACS);
- keeping a record of reports to Police and FACS as confirmation that mandatory reporting requirements have been met and the reference number is recorded;;
- providing a safe and secure environment for all staff and students to report concerns and any allegations of sexual misconduct.

All Head Teachers (HT), Student Welfare Officers (SWO) and the Senior Student Welfare

Office (SSWO) will:

- support teachers in their initial child protection induction and ongoing annual child protection training;
- promote child safety through weekly formal meetings with ASC staff;
- make staff aware that any concerns regarding the harm or potential risk of harm to a child can be reported in a safe, professional and secure environment; and the Principal and SSWO will be informed of all concerns/allegations;
- be vigilant in assessing the risk of child abuse and taking necessary steps to minimise any risk;
- play an active role in educating staff on the awareness of inappropriate behaviours by way of current documentation, discussion and forums;

- educate staff in how to complete an ASC *Child Protection Risk of Harm Notification Report-Keeping Them Safe*;
- complete the *Mandatory Reporter Guide* from the *Child Wellbeing Unit 'keep them safe'* when a staff member has reported to them risk of harm concerns and convey these concerns to the Principal;
- send the staff member who reported the suspected abuse a copy of the *Mandatory Reporter Guide* decision report;
- ensure that the Principal has reported significant risk of harm concerns to the Police and FACS and they have been notified with the FACS reference number.

All staff/volunteers/contractors share the responsibility for the prevention and detection of child abuse and will:

- read, discuss and sign the ASC *Code of Conduct* and participate in a child protection induction on commencement of employment (with Human Resources). Child protection training updates throughout the year are also a mandatory requirement of employment at ASC.
- behave in a professional and responsible manner which aligns with the ASC *Code of Conduct*, providing a safe and happy environment for children in their care;
- report any suspected abusive behaviour and misconduct to the HT or SWO at the relevant campus. Follow ASC procedures by completing a mandatory report (*Child Protection Risk of Harm Notification Report-Keeping Them Safe*) and making their supervisor aware of suspected risk of harm concerns;
- ensure the HT, SWO or SSWO has reported risk of harm concerns to the Principal and the Principal in turn has reported these concerns to the Police and FACS if necessary;
- ensure they receive the FACS reference number from their supervisor or Principal;
- report to the Principal any employee that has been charged with or convicted of an offence involving a child or young person. This includes information relating to oneself.

Employment of New Staff

Alesco Senior College undertakes a comprehensive recruitment and screening process for all workers and volunteers through the following pathways:

- undertaking thorough reference checks as per the approved internal procedure;
- all staff are to complete a WWCC commencing employment at ASC;
- Alesco Senior College may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Alesco Senior College and during their time at regular intervals;
- ensuring that staff/volunteers review and acknowledge their understanding of this Policy through the induction process conducted by Human Resources. This includes the reading, discussion and signing of the *Code of Conduct* document;
- all ASC staff will participate in a child protection induction and attend annual child protection training updates. Attendance is registered and reviewed and active participation via discussion is encouraged;
- weekly formal welfare meetings lead by the Student Welfare Officer- attendance is mandatory for all ASC staff.

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Reporting Procedure

