



Child Protection Policy

1 Rationale

- 1.1 Pymble Ladies' College (the College) is committed to providing a safe and supportive environment for staff, students and visitors to the College. It recognises that both individuals and the College have a range of different obligations relating to the safety, protection, wellbeing and welfare of students.

2 Scope

- 2.1 This policy applies to all staff members, which includes employees, contractors, volunteers and visitors associated with the activities of the College.
- 2.2 Staff members who fail to adhere to this policy may be in breach of their terms of employment.
- 2.3 There are a number of other College Policies that relate to child protection including, but not limited to the:
- *Staff Code of Behaviour* that outlines the standard of behaviour expected
 - *Work Health and Safety Policy* that identifies obligations imposed by work health and safety legislation
 - *Discrimination, Harassment and Workplace Bullying Policy* that summarises obligations in relation to unlawful discrimination, harassment and bullying
 - *Anti-Bullying Policy (Students)*
 - *Grievance and Dispute Resolution Policy* that sets out the expectations and management of grievances and disputes
 - *Complaints Policy* that sets out the framework for raising and managing complaints.

3 Definitions

- 3.1 In the context of this document definitions have been defined in accordance with the legislation and are in the relevant sections below.

4 Policy

- 4.1 This policy sets out the obligations of the College and individuals associated with the College, under the child protection legislation in New South Wales namely the:
- *Children and Young Persons (Care and Protection) Act 1998 (Care and Protection Act)*
 - *Child Protection (Working With Children) Act 2012 (WWC Act)*

- *Children's Guardian Act 2019 (Children's Guardian Act)*
 - *Crimes Act 1990 (Crimes Act)*.
- 4.2 The safety, protection and welfare of students is the responsibility of all staff members and encompasses:
- A duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen; and
 - Obligations under child protection and work health and safety legislation.
- 4.3 The legislation requires reporting of particular child protection and wellbeing concerns. However, as part of the overall commitment of the College to the safety, welfare and wellbeing of children, staff are required to report any concern about the safety, welfare or wellbeing of a child or young person to the Principal.
- 4.4 If the concern involves the behaviour of the Principal, staff are required to report to the Chair of the College Board.
- 4.5 The Deputy Principal - Students is responsible for informing staff of the contents of this policy which includes their legal responsibilities and obligations.
- 4.6 All new staff members at time of commencement, must read this policy and acknowledge that they have read and understood the policy. They will be informed by email with a link to an online training platform and acknowledgement system with a direct link to the policy.
- 4.7 All staff members must participate in annual child protection training and additional training as directed by the Principal. The training complements this policy and provides information to staff about their legal responsibilities related to child protection and College expectations including:
- Mandatory reporting
 - Reportable conduct
 - Working with children checks (WWCC)
- 4.8 Completion of the training is monitored by the Human Resources (HR) department, stored in the HR Information System and absent staff are actively reminded until they complete the training.
- 4.9 Once Staff, relevant Volunteers or relevant Contractors have commenced work at Pymble Ladies' College, the College provides induction training, supervision and performance monitoring. The College also provides Staff with opportunities for development through induction, ongoing education and training, performance appraisal and development.
- 4.10 Pymble Ladies' College recognises that without the education and training of our Staff, Volunteers and Contractors, our policies and procedures will not operate to effectively keep our students safe and protect them from abuse and harm.

4.11 The following workers receive Child Protection Training as part of the induction process, when they first commence their role at the College:

- Board Directors
- Staff
- Direct Contact Volunteers

Staff and Direct Contact Volunteers are also required to complete refresher training on child safety at least annually.

4.12 Contractors who have direct contact with students are required, as part of their contract with the College, to provide evidence that they regularly undertake relevant child protection training. For some contractors this training may be provided by the College.

4.13 All Mandatory Reporters also receive annual refresher training to ensure ongoing understanding of their obligations.

4.14 Our induction and refresher child protection training includes information on:

- Pymble Ladies' College Child Protection Policy, Working With Children Check (WWCC) Procedure, Reportable Conduct Procedure, Mandatory Reporting Procedure and the Student Code of Behaviour
- The legal and regulatory framework for child protection, including:
 - Working with Children Checks
 - Mandatory Reporting to DCJ
 - Voluntary Reporting to DCJ
 - Reportable Conduct
 - Failure to Protect
 - Reporting to Police
 - interactions between information sharing and privacy laws
 - employment law obligations related to child protection
 - whistleblower protection
 - the meaning of child abuse and other harm, its key indicators, and circumstances that increase the vulnerability of some children and young people to abuse or other harm
 - complaints handling policies and procedures
 - how to respond to a child safety incident or concern
 - reporting child safety incidents or concerns internally and to external authorities
 - Child Protection record keeping
 - children and young people's rights to participation, information and safety, empowering children and young people, and encouraging children and young people's participation
 - Aboriginal and Torres Strait Islander cultures, culturally and linguistically diverse backgrounds, disability and people with other particular experiences or needs, and respecting children and young people irrespective of their individual characteristics, cultural backgrounds and abilities.

- 4.15 Child Protection Training Record Keeping is managed through the HR Information System, the College creates and maintains electronic records of all child protection training completed.

Child Protection Supervision and Performance Monitoring of Staff, Volunteers and Contractors

- 4.16 Supervision is an intervention that is provided by a senior staff member of College to other staff members, including Direct Contact Volunteers and Direct Contact Contractors. This relationship is evaluative, extends over time, and has the simultaneous purposes of enhancing the professional functioning of the staff member(s), monitoring the quality of education provided to students and the wider College community, and serving as a gatekeeper of those who are to enter the particular profession.
- 4.17 All Staff, Direct Contact Volunteers and Direct Contact Contractors are supervised to ensure their behaviour towards students is appropriate and to monitor their compliance with the College's Child Protection Policy.
- 4.18 The College monitors compliance with this policy and securely maintains College records relevant to this policy, which includes:
- A register of staff members who have read and acknowledged that they read and understood this policy which is monitored by the Chief People and Culture Officer
 - Working with children check clearance (WWCC clearance) verifications which are monitored by the Chief People and Culture Officer
 - Mandatory reports to Communities and Justice (DCJ) formerly known as Family and Community Service; and
 - Reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions which are monitored by the Principal.
 - A register of participation in annual child protection and other related training which is monitored by the Chief People and Culture Officer.
- 4.19 The College reserves the right to determine in its entirety the response to any breach of this policy. The College right to determine its response includes but is not limited to the right to 'stand down' an employee on full pay whilst an investigation into allegations of reportable conduct, unprofessional conduct, bullying or harassment is undertaken.
- 4.20 This policy is not intended to extend responsibility of the College beyond the law.
- 4.21 The College reserves the right to change or modify this policy at any time by notice on the College portal.

5 Child Protection

- 5.1 Forms of child abuse include neglect, physical, sexual and emotional abuse.
- 5.2 **Neglect** is the continued failure by a parent or caregiver to provide a child or young person with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care or adequate supervision.

- 5.3 **Physical abuse** is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

- 5.4 **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 are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

- 5.5 **Emotional abuse** can result in serious psychological harm where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

- 5.6 Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

6 Criminal Offences

There are a number of statutory provisions which pertain to child protection and which the College requires all staff to comply with. These include the following provisions:

Royal Commission

- 6.1 In 2018, the *Crimes Act* was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

Failure to protect offence

- 6.2 An adult working in a school, therefore all staff members and those in governance roles including Board Directors, will commit an offence if they know another adult working there poses a serious risk of 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.

- 6.3 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.

Failure to report offence

- 6.4 It is expected that any adult working in a school, therefore all staff members and those in governance roles including Board Directors, follow the College's centralised reporting model which is explained in the *Mandatory Reporting Procedure*.
- 6.5 Any adult working in a school may commit a criminal 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.
- 6.6 A reasonable excuse would include where the adult has reported the matter to the Principal as per the College's centralised reporting model and is aware that the Principal has reported the matter to the Police. See the *Mandatory Reporting Procedure* for further information on the reporting process.

Special Care Relationships (Crimes Act 1900 – NSW)

- 6.7 It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship.
- 6.8 The Act provides that:
- A young person is under an adult's special care if the adult is a member of the teaching staff of the School at which the young person is a student, or
 - Has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.
- 6.9 The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act.
- 6.10 The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching.
- 6.11 The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

7 Guidelines

- 7.1 Nil

8 Related Documents

- 8.1 Mandatory Reporting Procedure

- 8.2 Working With Children Check Procedure
- 8.3 Reportable Conduct Procedure
- 8.4 Staff Code of Behaviour
- 8.5 Work Health and Safety Policy
- 8.6 Discrimination, Harassment and Workplace Bullying Policy
- 8.7 Anti-Bullying Policy (Students)
- 8.8 Grievance and Dispute Resolution Policy
- 8.9 Student Code of Behaviour Policy
- 8.10 Complaints Policy
- 8.11 NSW Department of Community and Justice (www.dcj.nsw.gov.au)
- 8.12 The Office of Children’s Guardian (www.kidsguardian.nsw.gov.au)
- 8.13 Department of Premier and Cabinet – Keep Them Safe (www.keepthemsafe.nsw.gov.au)

9 Responsible for Authorisation

- 9.1 Principal
- 9.2 Chair of the Board

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