



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 obligations relating to the safety, protection, wellbeing and welfare of students.
- 1.2 This policy sets out the legislative child protection obligations of the College and of individuals associated with it. The detailed processes for meeting these obligations are set out in the College's child protection procedures, referenced in clause 5 and listed in the Related Documents.

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 This policy is supported by the College's child protection procedures: the Mandatory Reporting Procedure, the Reportable Conduct Procedure and the Working with Children Check Procedure.
- 2.3 Other related College policies include the Staff Code of Behaviour, Work Health and Safety Policy, Anti-Discrimination, Anti-Harassment and Anti-Bullying Policy, Anti-Bullying Policy (Students), Grievance and Dispute Resolution Policy, and Complaints Policy.

3 Definitions

In the context of this document:

- 3.1 **Child:** a person under the age of 16 years (Care and Protection Act).
- 3.2 **Young person:** a person aged 16 years or above but under the age of 18 years (Care and Protection Act). Together, the terms 'child' and 'young person' cover all persons under 18. A reference to a child in this policy includes a young person unless stated otherwise.
- 3.3 **Risk of significant harm:** current concerns for the safety, welfare or wellbeing of a child because of the presence, to a significant extent, of one or more of the circumstances set out in the Care and Protection Act. The threshold is explained in the Mandatory Reporting Procedure.

- 3.4 **Mandatory reporter:** a person who, in the course of their work, delivers or supervises services to children, including education. All College staff are mandatory reporters.
- 3.5 **Reportable conduct:** conduct by an employee that may need to be notified to the Office of the Children's Guardian under the Children's Guardian Act, as defined in the Reportable Conduct Procedure.
- 3.6 **WWCC clearance:** authorisation under the WWC Act for a person to engage in child-related work.
- 3.7 **Head of Entity:** the Principal, for the purposes of the Children's Guardian Act.

4 Legislative Framework and Duty of Care

- 4.1 This policy gives effect to the College's obligations 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 take reasonable steps to prevent harm to students which could reasonably have been foreseen; and
 - Obligations under child protection and work health and safety legislation including mandatory reporting obligations where a staff member has reasonable grounds to suspect that a child is at risk of significant harm.
- 4.3 This policy is not intended to extend the responsibility of the College beyond the law.

5 Reporting Obligations

- 5.1 The legislation requires reporting of particular child protection and wellbeing concerns. As part of the College's overall commitment 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.
- 5.2 If the concern involves the behaviour of the Principal, staff are required to report to the Chair of the College Board.
- 5.3 The College operates a centralised reporting model under which staff report concerns to the Principal. The Principal, as Head of Entity, is responsible for reporting to external authorities. The processes for mandatory reporting to the Department of Communities and Justice, and for reportable conduct notifications to the Office of the Children's

Guardian, are set out in the Mandatory Reporting Procedure and the Reportable Conduct Procedure respectively.

- 5.4 The requirement to hold and maintain a WWCC clearance for child-related work, and the College's verification and record-keeping obligations, are set out in the Working With Children Check Procedure.

6 Forms of Abuse and Risk of Significant Harm

- 6.1 Forms of child abuse include neglect, and physical, sexual and emotional abuse.
- 6.2 **Neglect** is the continued failure by a parent or caregiver to provide a child or young person with the basic necessities of life, such as food, clothing, shelter, medical or dental care, or adequate supervision.

- 6.3 **Physical abuse** is a non-accidental injury, or pattern of injuries, to a child or young person caused by another 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 or using an object to discipline or punish a child in a non-trivial way is a crime.

- 6.4 **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.
- 6.5 **Emotional abuse** damages a child's confidence and self-esteem, resulting in serious emotional deprivation or trauma. It can include excessive criticism, withholding affection, exposure to domestic violence, and intimidating or threatening behaviour.
- 6.6 A child is at risk of significant harm where there are current concerns for their safety, welfare or wellbeing to a significant extent. Wellbeing concerns that do not meet this threshold must still be reported to the Principal. The threshold and reporting process are set out in the Mandatory Reporting Procedure.

7 Criminal Offences

The Crimes Act contains a number of offences relevant to child protection, including those below.

Failure to protect (section 43B)

- 7.1 An adult working at the College, including staff and Board Directors, will commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence, they have the power to reduce or remove the risk, and they negligently fail to do so.

- 7.2 This offence targets those in positions of authority who fail to act on a known and serious risk.

Failure to report (section 316A)

- 7.3 An adult working at the College may 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.
- 7.4 Reporting the matter to the Principal under the centralised reporting model, where the adult is aware that the Principal has reported it to the Police, is a reasonable excuse. See the *Mandatory Reporting Procedure* for further information on the reporting process.

Special Care Relationships (sections 73 and 73A)

- 7.5 In addition to offences involving sexual activity with a child, it is also an offence for a staff member, volunteer or contractor to engage in sexual activity with a student aged 16 or 17 where a special care relationship exists.
- 7.6 A young person is under a person's special care if that person is a member of the College's teaching staff, or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.
- 7.7 Section 73 concerns sexual intercourse and section 73A concerns sexual touching, expanding the protection to non-penetrative sexual contact.

8 Training, Supervision and Record Keeping

- 8.1 All new staff must read and acknowledge this policy.
- 8.2 All staff, volunteers working directly with children and contractors working directly with children must complete child protection training on induction and refresher training at least annually. Training covers mandatory reporting, reportable conduct and Working with Children Checks, and the College's related procedures.
- 8.3 The College creates and securely maintains records relevant to the policy, including a register of staff who have acknowledged the policy, a register of training participation, WWCC clearance verifications, mandatory reports, and reportable conduct allegations and their outcomes. Record-keeping detail specific to each obligation is set out in the relevant procedure.

9 Breach and Governance

- 9.1 The College determines its response to any breach of this policy. This may include standing down an employee on full pay while an investigation into reportable conduct, unprofessional conduct, bullying or harassment is undertaken.

- 9.2 The College monitors compliance with this policy. Oversight of the policy acknowledgement and training registers, and of WWCC clearance verification rests with the Chief People Officer & General Counsel. Oversight of reportable conduct matters and their outcomes rest with the Principal.
- 9.3 The College may change or modify this policy at any time by notice on the College portal.

10 Related Documents

- 10.1 Mandatory Reporting Procedure
- 10.2 Working With Children Check Procedure
- 10.3 Reportable Conduct Procedure
- 10.4 Staff Code of Behaviour
- 10.5 Work Health and Safety Policy
- 10.6 Anti-Discrimination, Anti-Harassment and Anti-Bullying Policy
- 10.7 Anti-Bullying Policy (Students)
- 10.8 Grievance and Dispute Resolution Policy
- 10.9 Student Code of Behaviour Policy
- 10.10 Complaints Policy
- 10.11 NSW Department of Community and Justice (www.dcj.nsw.gov.au)
- 10.12 The Office of Children's Guardian (www.kidsguardian.nsw.gov.au)

11 Responsible for Authorisation

- 11.1 Principal
- 11.2 Chair of the Board

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