



Al-Faisal College

Child Protection and Welfare Policy

CONTENTS:

1. CARE AND PROTECTION OF CHILDREN

2. MANDATORY REPORTING

A. STAFF

B. STUDENTS AT SIGNIFICANT RISK

3. A SAFE AND SUPPORTIVE ENVIRONMENT

Resources:

Responding to Allegations: Protocols for Investigations
(To be reviewed following implementation of amendments to the legislation)

<http://portals.studentnet.edu.au/industrial>

The Working with Children Check Guidelines:

www.kids.nsw.gov.au/check/employer.html

NSW Ombudsman - Child Protection Guidelines (revised 2004)

www.nswombudsman.nsw.gov.au/publications

Child protection and child wellbeing (revised 2010)

www.keepthemsafe.nsw.gov.au

1. CARE AND PROTECTION OF CHILDREN

Introduction

The care and protection of children according to the parameters set out in NSW legislation is both complex and sensitive. Since the NSW Government introduced its legislation in 1998 there have been a number of significant developments which have resulted in the passing through both Houses of Parliament the 'Child Protection Legislation Amendment Act 2003'. Both the NSW Ombudsman and the Commission for Children and Young People have re-drafted their guidelines in relation to child protection as a result of these amendments.

The 2004 amendments to the child protection legislation require agencies to develop a Code of Conduct, which will apply to its employees. Such a Code should help establish parameters for employees who work in child related employment. This Code of Conduct has therefore been formulated to identify to staff of Independent Schools the type of conduct that is required of them in the way they deal with children in the performance of their duties. It is also intended to provide practical assistance for staff members if they encounter ethical problems.

The Association of Independent Schools provides this Code of Conduct to each member school for use as a resource document.

At Al-Faisal College we have policies and procedures to ensure that we meet legislative obligations in relation to child protection.

These legislative obligations regarding child protection are covered through a number of acts and are known and observed by the Principal.

All staff at Al-Faisal College is informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school experience before commencing work at the school. This is also detailed in the employment contract that the staff member is to sign. Volunteers, any parents involved in excursions, all teachers, casual staff and anyone else involved in are to be screened under the Working with the Child guidelines.

The Legislative Context

As the safety and well-being of students is fundamental to Al Faisal College, community, it is essential that appropriate policies and structures exist to enable members of staff to respond effectively to instances of suspected child abuse and neglect.

Child protection is a vitally important area of responsibility for teachers as well as other school personnel and there are significant legal and professional responsibilities in this area. There is also the need for school personnel to be aware of the most appropriate responses which can be made to ensure the protection of children. At Al Faisal College we ensure that all employees act in the child's best interests and take reasonable steps to ensure the children's safety.

Everyone who is concerned in a professional capacity with the care and protection of children need to have a clear understanding of the essential elements of the law as it applies to the care and protection of children.

Legislation in NSW relating to the care and protection of children is currently contained in the following Acts of Parliament:

Children and Young Persons (Care and Protection) Act 2008

Commission for Children and Young People and Child Guardian Act 2000(in force on July 2010)

Child Protection (Prohibited Employment) Act 1998 (Revised 2007 Act 147)

Ombudsman Act 9 (revised 2004)

Child Protection Legislation Amendment Act 2009(Children Legislation Amendment July 2010)

Definitions

Allegation: An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency.

Child: Includes all children and young people up to the age of 18 years.

Conviction of reportable conduct: This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

Employee: An employee is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide.

Reportable conduct: In relation to both Part 3A Ombudsman Act 2004 and Part 7 Commission for Children and Young People Act 2008, an allegation of 'reportable conduct' is one involving:

- a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- b) Any assault, ill-treatment or neglect of a child, or
- c) Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Exempt conduct: An allegation of reportable conduct may be exempt from notification to the NSW Ombudsman or the NSW Commission for Children and Young People if it involves:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- c) conduct of a class or kind exempted from being reportable conduct by the ombudsman or by the *Working with Children Check* guidelines.

Duty of Care and Legal Liability

Staff can be deemed legally liable if they have been negligent in relation to their responsibilities under the legislation as it pertains to the care and protection of children.

Generally speaking, a person owes a duty not to injure another as a result of his or her own negligent act or omission. The duty does not usually extend to the taking of steps to prevent injury where one has not caused or contributed to the risk giving rise to the injury.

There exists, however, special duty relationships between some members of our society which give rise to more onerous duties of care, the relationship between teacher and pupil is one of these.

The general law of negligence provides that a person may be negligent if:

- S/he owes a duty of care to the person injured, that is, the standard judged reasonable in all of the circumstances, and
- S/he did not carry out that duty to the legal standard required, and
- The person suffered damage as a result of the failure to observe the duty of care.

With regards to care and protection the following general principles apply:

- Staff must take reasonable care to ensure that their students are not harmed. They have a duty to protect their students against foreseeable risks of personal injury or harm.
- The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students.
- There must be an efficient system of supervision in operation in the school.

Duty of care applies while the students are under the care of the school. This applies equally to school based activities and out of school activities. The same duty of care applies to employees who volunteer their services to the school.

Employees are required to follow good standards and approved practice. An example of good standards or approved practice would be compliance with the school's Code of Conduct.

General Guidelines

The college is committed to the achievement of the highest standards of education in which the security, protection and comfort of students is a high priority. The following guidelines are to be adopted for the care and protection of students and staff.

Supervision of Students

1. Staff must take all reasonable care to ensure that no student is exposed to any unnecessary risk of injury. Staffs are to remember that they are in *loco parentis* - the standard of care required is that of a skilled professional.
2. Staff should be familiar with and adhere strictly to the school's evacuation procedures.
3. Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required contact should be made with the Administration office.
4. Students should not be left unsupervised either within or outside of class. Staffs are reminded of their duty of care obligations in this regard. Staff should be punctual to class and allocated supervision.
5. Staff should remain with students at after school activities until all students have been collected. In the event that a student is not collected staff should remain with the student until collected or return to school with the student.
6. Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. Staff should actively supervise their designated area, being vigilant and constantly moving around.
7. Staff should be alert to bullying or any other form of discriminatory behaviour, and report incidences to the appropriate staff member.

Relationships with Students

1. Staff should avoid situations where they are alone in an enclosed space with a student. Where staff are left with the responsibility of a single student they should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with the immediate coordinator.
2. Staff may as part of their pastoral care role engage in discussion with

students. This is entirely appropriate. However staff must be cautious of making personal comments about a student or asking questions that probe their own or a student's sexuality or relationships.

3. When staffs wish to conduct a private conversation with a student they should consider the time and venue carefully to avoid placing themselves in a vulnerable situation. It is preferable to leave the door open. The staff member should not locate themselves between the student and the door.
4. Staff should never drive a student in their car unless they have specific permission from their supervisor to do so. In the event of an emergency staff should exercise discretion but then report the matter to an appropriate coordinator.
5. Staff should notify the Principal or Deputy Principal immediately should they suspect a situation involving any form of reportable conduct (formerly referred to as child abuse). It is not staff responsibility to investigate. Similarly staff should report to the Principal any suspected case of neglect.
6. Social relations between staff and students outside the school can cause problems. Staff should refrain from visiting students at their home unless they have the express permission of the Principal. Staff must be alert to the risk involved in social relations with students and be conscious that their position places extra obligations on them.
7. Staff should not engage in tutoring or coaching students from the school for monetary return.
8. When physical contact with a student is a necessary part of the teaching/learning experience staff must exercise caution to ensure that the contact is appropriate and acceptable. Staff should seek reassurance from the student by asking for a volunteer to demonstrate a particular activity.
9. Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. In respect to students with a disability the management of toileting needs should be included in the student's individual management plan.
10. Staff should not supply or condone the use of alcohol, tobacco or other drugs for themselves or any student in their care and should actively teach against the practice.
11. When congratulating a student, a handshake or pat on the shoulder is

acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable in any circumstance.

12. Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their concurrence.
13. Staff must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory
14. remarks, inappropriate familiarity or offensive comments.
15. Staffs who communicate with students electronically must abide by the terms of the school's Computer/Internet Policy. Transmissions of messages or files which are sexually explicit or offensive are totally inappropriate.
16. During the course of your work you may be in receipt of a gift from a student. In such circumstances where the receipt of a gift could be considered outside of usual custom you are to inform your coordinator.
17. Staff should ensure that they are familiar with and adhere to the school's policy in regard to the storage and administration of medical products to students.
18. Sometimes in ensuring duty of care staff may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the school's behaviour management practices.

Discipline of Students

1. All staff should be familiar with and adhere to the School's Discipline Policy.
2. Smoking is not permitted on the school premises. Furthermore smoking is not permitted at any school function or activity whether these functions/activities are on the school premises or not.
3. Alcohol is not to be consumed on the school premises or at school camps or excursions.
4. No student should be allowed to leave or be sent from a class other than for personal hygiene matters. In extreme cases students can be sent to the Deputy Principal's office with another student as support/guide.

5. At all times when speaking with students, care must be taken to use appropriate language.

Communication Issues

1. Staffs are required to respect and adhere to the established lines of communication in the school.
2. Staff should be mindful of confidentiality when in discussion with parents. Staff can never guarantee confidentiality if the matter under discussion requires mandatory reporting.
3. Staff should not speak about another staff member to students or parents.
4. Staff should present a courteous professional manner to students, parents, visitors and other staff members. Confrontation and criticism in public is to be avoided at all times.
5. All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students/parents.
6. The media should not be given access to students or allowed entry to the school without the expressed permission of the Principal.

Excursions

1. Excursion information must be communicated to parents.
2. A school mobile phone must be taken on all excursions. The teacher in charge must always have a complete list of student contact numbers with them on the excursion. A duplicate copy of names of students actually on excursion must always be left at the Office prior to departure.
3. The published time of departure and return from excursions should be adhered to.

Duty to Disclose

1. Staff are required to report to the Principal any allegation of 'reportable conduct' (formerly referred to as child abuse).
2. Staff who are the subject of an Apprehended Violence Order or a Reportable Conviction are required to inform the Principal immediately they are in receipt of such an Order or Conviction.

Child Protection Policy

It is a fundamental role of schools to protect children and young people from risk of harm and to promote and safeguard the safety, welfare and well-being of children and young people. Principals or their nominees, teachers and other staff, who have direct involvement with the supervision of children, are required to report suspected risk of harm from abuse and neglect to the Department of Community Services.

It is also the school's role to provide preventative programs that aim to protect children and young people from abuse, assist them to seek help effectively, and to develop skills for positive, non-coercive relationships.

Commonly, teachers are in a key position to identify children who are at risk or who are subject to abuse or neglect. The process of dealing with such matters is clearly set out under law.

Mandatory Reporting

The safety and well-being of children will be protected through ensuring that mandatory reporting requirements are met by all staff.

This document is a guide to mandated reporting and will be used as a primary reference document for the implementation of this policy by Al-Faisal College.

The staff at Al-Faisal College is obliged and responsible for identifying and responding to any staff member abusing a child/ren and any child/ren being at significant risk of harm. Mandatory Reporting is required for any one of the following instances:

A. Against a staff member and/or,

B. Students at significant risk

A. Against a Staff Member

All staff members must ensure they are able to meet their 'duty of care' to children. This means that people who care for children must act in the best interest of the child and take all reasonable steps to ensure the child's safety.

Any staff member that suspects or is aware that another staff member is abusing a child/ren, must in the first instance report this information to the Principal.

The Principal will decide whether to report this to the Ombudsman within 30 days.

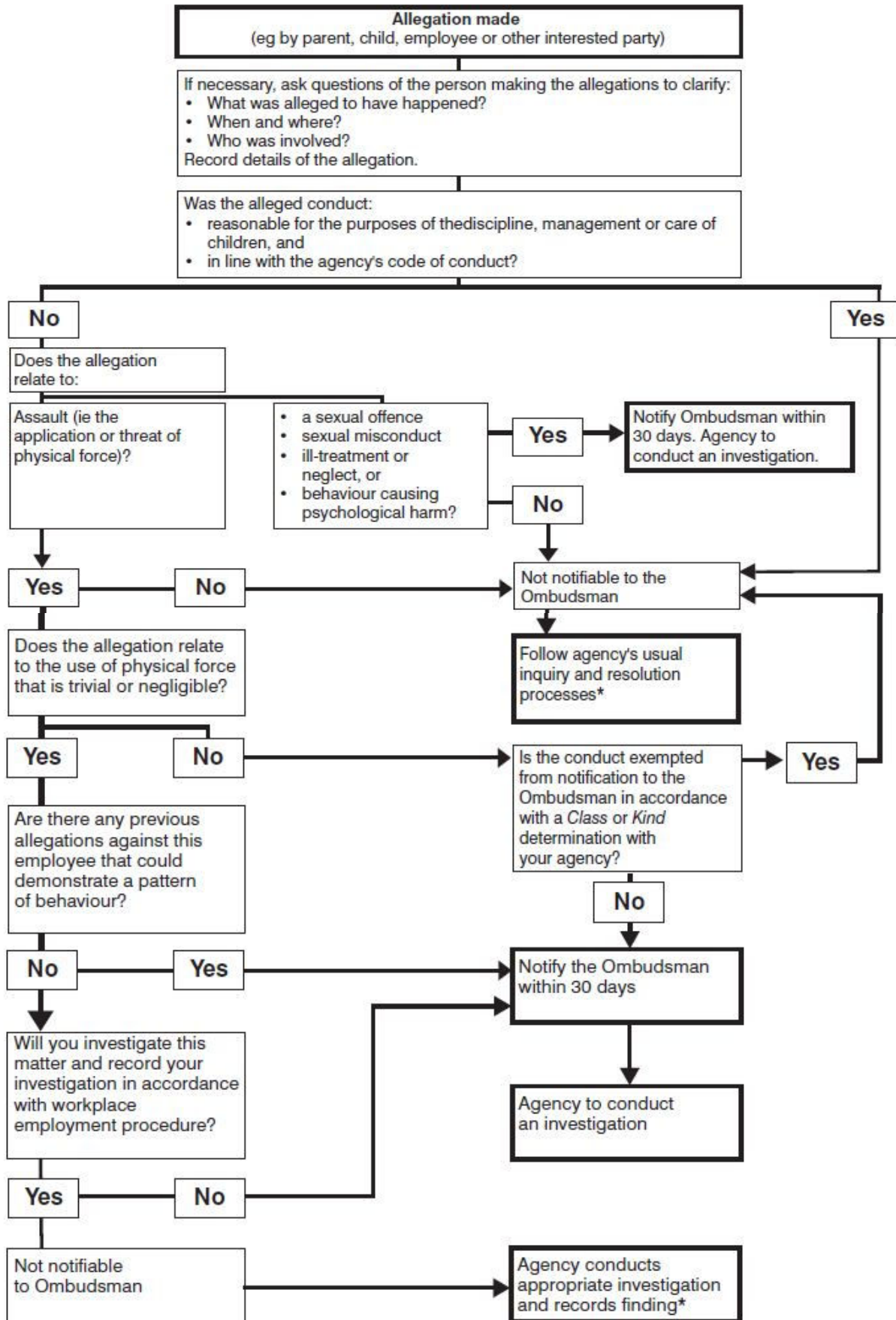
The allegation/complaint of this nature may also be entertained from parents or students.

Care should be taken when communicating with parents not to disclose the name/s of the alleged perpetrator.

Every precaution must be taken to protect the anonymity of the person(s) who have made the complaint. Care should also be exercised to not pre-empt the findings of the investigation

The following flow chart provided helps in identifying and reporting to the Ombudsman.

Flow Chart - Determining if an allegation is a reportable allegation



Practices

- Ensure that all staff are fully informed of legal rights and responsibilities and procedures in relation to Mandatory Reporting of known or suspected child abuse;
- All staff must report and abide by this policy if they believe or suspect a child or young person is being abused or neglected, or is at risk of abuse or neglect.
- Staff will never physically punish children by hitting, shaking, pinching;
- Staff are not to use abusive, derogatory, humiliating language and inappropriately punish children by withdrawing access to food, rest, use of toilet, or lock in a room;

The use of corporal punishment, in any form, is prohibited and has no place in the welfare, discipline and protection policy and practices at this school.

Additionally the school does not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents/guardians to enforce discipline at the school.

B. Students at Significant Risk

Child abuse can be any or a combination of the following: physical, sexual, emotional and neglect. Staff are responsible for recognising students at significant risk and responding effectively via Mandatory Reporting of child abuse.

If a staff member suspects child abuse or neglect then he/she must report or notify the Principal immediately.

The Principal will discuss and decide if there are reasonable grounds to consult Community Services.

Confidentiality of all parties involved must be maintained at all times.

If your concerns meet at least one of the following issues from this table below then immediately report it to the Principal.

Decision Tree	Use this when:
<p><u>Physical Abuse</u> Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person.</p>	<ul style="list-style-type: none"> ▪ You know of an injury to a student that you suspect is caused by abuse. ▪ You know of treatment of a student that may have caused or is likely to cause an injury. ▪ student was injured, or nearly injured, during a domestic violence incident.
<p><u>Neglect</u> Child neglect is the continued failure by a parent or caregiver to provide a child with the basic and necessary things needed for his or her proper growth and development such as food, clothing and shelter.</p>	<ul style="list-style-type: none"> ▪ You suspect that a parent/carer is not adequately meeting child/young person needs. ▪ A student appears neglected.
<p><u>Sexual Abuse</u> 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.</p>	<ul style="list-style-type: none"> ▪ You learn about sexual contact or sexual abuse of a student. ▪ A student has medical findings suspicious for sexual abuse. ▪ A student's behaviour, including sexually abusive behaviour, is concerning.
<p><u>Psychological Harm</u> Psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the student, resulting in serious emotional deprivation or trauma.</p>	<ul style="list-style-type: none"> ▪ A student appears to be experiencing psychological/emotional distress that is a result of parent/carer behaviour such as domestic violence. ▪ You are aware of parent/carer behaviours, including domestic violence, that is likely to result in significant psychological harm.

None of the above, but Community Service notification is being made because:	
A student who is:	<ul style="list-style-type: none"> ▪ Pregnant ▪ Runaway ▪ Missing ▪ Homeless

IF A STAFF MEMBER IS UNCERTAIN THEN IMMEDIATELY INFORM THE PRINCIPAL WHO WILL THEN DECIDE WHETHER TO CONTACT COMMUNITY SERVICES.

Practices

Procedures are in place to ensure staff are fully informed about the child protection policy.

Al-Faisal College informs their staff through the following:

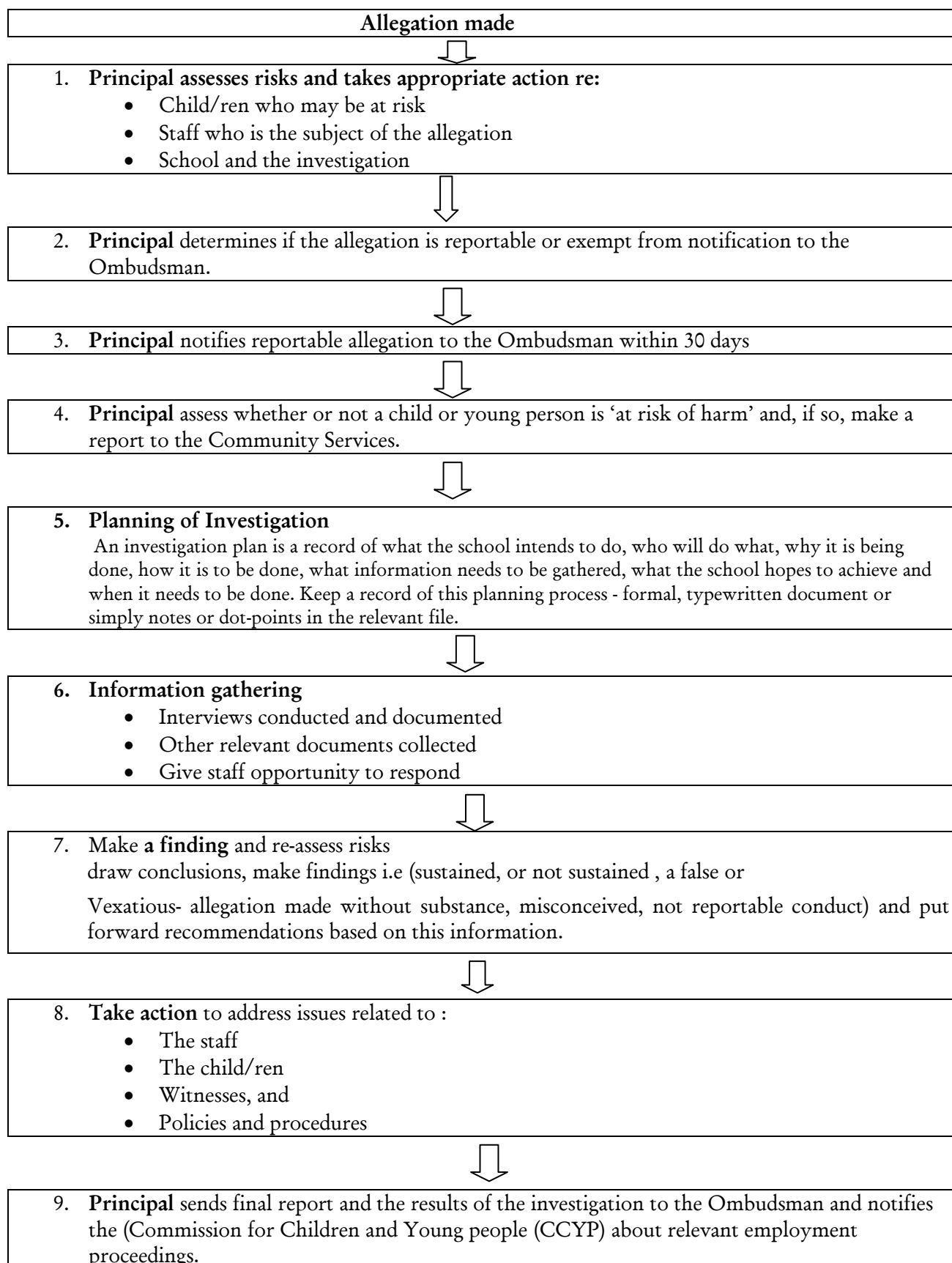
- All staff have copies of staff handbook
- There is ongoing regular updates via staff meetings
- Staff are annually updated about the child protection policy and mandatory reporting procedure at the beginning of each year

Record Keeping and reporting to parents

All appropriate documentation on action to resolve the matter will be kept by the Principal and /or a person designated by the Principal in a locked and secured place in the Administration office.

Procedure for Planning and Conducting an Investigation

The following flow chart provides an overview of the key issues to consider when responding to and investigating a reportable allegation of a child protection nature against staff and notifying the Ombudsman.



Employment Screening

- a. All applicants seeking employment in a paid or voluntary capacity will be screened in accordance with the requirements of the commission for Children and Young People (1998) and Child Guardian Act (2000).
- b. All applicants seeking employment in a paid or voluntary capacity will need to complete the Prohibited Employment Declaration in accordance with the Child Protection (Prohibited Employment) Act Revised 2007, reprinted July 2010.
- c. Successful applicants will be given copies of all relevant school policies which they must adhere to.
- d. The advertisement for vacancies will have the clause “The Child Protection (Prohibited Employment) Act 2007 makes it an offence for a person convicted of a serious sex offence (a Prohibited Person) or a Registrable Person under the Child Protection (Offenders Registration) Act 2000 to apply for, undertake or remain in, child related employment.”

The *Working with Children Check* legislation and Guidelines require employers to notify the Commission for Children and Young People of ‘relevant employment proceedings’ for inclusion in the employment screening database. A ‘relevant employment proceedings’ means a disciplinary proceeding against an employee by an employer that involves ‘reportable conduct’ or an ‘act of violence committed by the employee in the course of employment and in the presence of a child’.

Al-Faisal College acknowledges its responsibility to establish and maintain appropriate recruitment, selection and screening processes in accordance with the aspect of the child protection legislation. Al-Faisal College also acknowledges its responsibility to establish and maintain appropriate procedures for responding to allegations of ‘reportable’ and ‘exempt’ conduct by an employee towards a child.