



Statement of Commitment to Child Safety

1. Object

1.1 This Statement provides the framework for:

- (a) the development of work systems, practices, policies and procedures that promote child protection, safety and wellbeing within Newington College;
- (b) the creation of a safe and supportive College environment and a positive and robust child protection culture;
- (c) the promotion and open discussion of child protection issues within the College; and
- (d) complying with all laws, regulations and standards relevant to child protection in NSW.

1.2 This statement should be read in conjunction with the College's **Child Safety Code of Conduct, Professional Boundaries Policy, National Redress Scheme Policy, Child Protection Incidents Procedures** and **Reportable Conduct Procedures**.

2. Application

This Statement applies to the College and its Council members, staff, volunteers, third party contractors, external education providers, student teachers and students, for the welfare and benefit of the College's students.

3. Statement of Commitment

3.1 The College is committed to providing education and care to children and young people to assist them to develop into high-achieving, supported students, positively connected to each other and to the communities in which they live and which they will serve.

3.2 The College is committed to ensuring the safety, welfare and wellbeing of all children and young people at the College and is dedicated to protecting them from abuse and harm.

3.3 The College has zero tolerance for child abuse. The College regards its child protection responsibilities with the utmost importance, and as such is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations to maintain safe and supportive College physical and online environments for all children and young people.

4. Child Safe Values and Principles

The following child safe values and principles guide the College's commitment to child safety and form the basis for all child protection policies and procedures at the College:

- (a) All children and young people have the right to be safe and treated fairly.
- (b) The welfare and best interests of children and young people are paramount.
- (c) The views and the privacy of children and young people must be respected.
- (d) Clear expectations for appropriate behaviour with children and young people are established in the College's **Child Safety Code of Conduct** and **Professional Boundaries Policy**.
- (e) The safety of children and young people is dependent upon the existence of a child safe culture.
- (f) Child safety awareness is promoted and openly discussed within the College community.
- (g) Procedures are in place to screen all staff, volunteers, third party contractors and external education providers who have direct contact with children and young people.
- (h) Child safety and protection is everyone's responsibility.
- (i) Child protection training is mandatory for all College Council members, staff and direct contact volunteers.
- (j) Procedures for responding to alleged or suspected incidents of child abuse and harm are simple and accessible for all members of the College community, and all are welcome and encouraged to use them.
- (k) Procedures are in place to ensure all College premises are designed to ensure the safety of children.

5. Child Protection Investigators

5.1 As part of the College's commitment to child safety and protection, the College has appointed a number of **Child Protection Investigators** as honest, mature, ethical and experienced members of the College community who can deal with sensitive issues relating to child protection and safety.

5.2 The College's Child Protection Investigators are available to answer any questions that you may have with respect to this Statement of Commitment to Child Safety.

6. Responsibilities

6.1 The College acknowledges that child protection is everyone's responsibility.

6.2 All members of the College Council, staff, volunteers, third party contractors, external education providers and student teachers have a shared responsibility for contributing to the safety and protection of children and young people. Specific responsibilities for each group of the College community are further explained in the College's **Child Safety Code of Conduct**.

7. Reporting Child Protection Concerns

7.1 The College's **Child Protection Incidents Procedures** provide guidance for all members of the College community on how to identify key risk indicators of child abuse and how to report child abuse concerns to one of the College's nominated **Child Protection Investigators**. They also contain details on the reporting of child abuse incidents to relevant external authorities.

7.2 Staff, volunteers, third party contractors, external education providers and student teachers who have concerns that a child or

young person may be subject to abuse are required to comply with the College's **Child Protection Incidents Procedures**.

7.3 Students, parents, guardians, carers and other community members who have concerns that a child or young person may be subject to abuse are encouraged to contact one of the College's **Child Protection Investigators**.

7.4 The College's **Reportable Conduct Procedures** provide guidance for all members of the College community on how to report any recent or historical conduct that may constitute 'reportable conduct', including any:

- (a) sexual offence or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence or an offence involving child abuse material), including grooming behaviours;
- (b) assault, ill-treatment or neglect of a child; or
- (c) behaviour that causes psychological harm to a child;

whether or not, in any case, with the consent of the child.

7.5 College Council members and the College's staff, volunteers, third party contractors, external education providers and student teachers who become aware of any recent or historical reportable conduct by a current or former College employee must comply with the College's **Reportable Conduct Procedures**.

7.6 Other members of the College community may also report any reportable conduct in accordance with the College's **Reportable Conduct Procedures**.

7.7 Communications will be treated confidentially on a 'need to know basis'.

7.8 Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

8. Review

8.1 The College is committed to the continuous improvement of its child protection policies and to ensuring its compliance with NSW child protection laws and regulations.

8.2 The College will regularly review its policies and procedures for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.

Notes

Statement of Commitment to Child Safety 2020

Date adopted: 25 March 2020

Date commenced: 20 January 2021

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Child Safety Code of Conduct

1. Object

1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

1.2 This Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It provides a high-level statement of professional boundaries, ethical behaviour and acceptable and unacceptable relationships. For more detailed guidance refer to the College's **Professional Boundaries Policy**.

1.3 When individuals are clear about behavioural expectations, they are much more likely to act appropriately with each other, and with children and young people.

1.4 When everyone is educated about this Code of Conduct and the reasons it is so important to uphold, the College environment becomes much more transparent and people are accountable for their behaviour.

1.5 Above all, this Code of Conduct helps to protect children and young people from harm.

2. Application

This Code of Conduct applies to the College and its Council members, staff, volunteers, third party contractors, external education providers, student teachers and students, for the welfare and benefit of students.

3. Definitions

3.1 In this Code of Conduct:

Child Protection Investigator	<p>means:</p> <ul style="list-style-type: none"> • the Deputy Headmaster; • a Head of Campus; • the Deputy Head of Stanmore (Students); or • a College Psychologist.
College	means Newington College, as represented by the authorised delegates of the Council.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
direct contact third party contractor	<p>means third party contractors who:</p> <ul style="list-style-type: none"> • have direct contact with students during the normal course of their work; or • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and • any contractors whom the College is legally required to screen. <p>This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.</p>
direct contact volunteer	means volunteers who are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
employee	<p>means:</p> <ul style="list-style-type: none"> • Council members; • the Headmaster; • staff, whether or not employed in connection with any work activities of the College that relate to children; or • any individual engaged by the College to provide services to children, including volunteers, third party contractors, external education providers and student teachers.
external education provider	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
Head of Campus	means the Head of Lindfield Preparatory School or the Head of Wyvern House Preparatory School, as appropriate.
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)

indirect contact volunteer	means volunteers who are: <ul style="list-style-type: none"> involved in providing support and services, whilst not directly assisting a specific group of students; and not responsible for supervising students. (e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)
parent	means one or more parents, guardians or carers of a student enrolled at the College.
reportable conduct	has the meaning given in clause 5 of the College's Reportable Conduct Procedures .
staff or staff member	means the College's permanent, temporary and casual teaching and non-teaching staff.
student teacher	means a person who is undertaking a teaching placement at the College as part of their tertiary education, and who teaches under the supervision of a teacher.
teacher or teaching staff	means permanent, temporary and casual staff with teaching commitments.
third party contractor	means direct contact third party contractors and indirect contact third party contractors.
volunteer	means direct contact volunteers and indirect contact volunteers.

3.2 A reference in this Code of Conduct to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Required behaviour

4.1 All Council members, staff, volunteers, third party contractors, external education providers and student teachers must, as relevant:

- (a) uphold the College's **Statement of Commitment to Child Safety** at all times;
- (b) behave as a positive role model to students;
- (c) promote the safety, welfare and wellbeing of students;
- (d) be vigilant and proactive with regard to student safety and child protection issues;
- (e) provide age-appropriate supervision for students;
- (f) comply with the College's **Professional Boundaries Policy**;
- (g) treat all students with respect;
- (h) promote the safety, participation and empowerment of students with a disability;
- (i) promote the cultural safety, participation and empowerment of linguistically and culturally diverse students;
- (j) use positive and affirming language towards students;
- (k) encourage students to 'have a say' and then listen to them with respect;
- (l) respect cultural, religious and political differences;
- (m) help provide an open, safe and supportive environment for all students to interact and socialise;
- (n) intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way;
- (o) report any breaches of this Code of Conduct;
- (p) report concerns about child safety to one of the Child Protection Investigators and ensure that their legal obligations to report allegations externally are met;
- (q) where an allegation of child abuse is made, ensure as quickly as possible that the student involved is safe;
- (r) call the Police on 000 if they have immediate concerns for a student's safety; and
- (s) respect the privacy of students and their families and only disclose information to people who have a need to know.

5. Prohibited behaviour

5.1 Council members, staff, volunteers, third party contractors, external education providers and student teachers must not:

- (a) engage in any form of inappropriate behaviour towards students or expose students to such behaviour;
- (b) use prejudice, oppressive behaviour or inappropriate language with students;
- (c) express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability;
- (d) engage in open discussions of an adult nature in the presence of students;
- (e) engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material;
- (f) engage in inappropriate or unnecessary physical contact or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes;
- (g) engage in any form of physical violence towards a student including inappropriately rough physical play;
- (h) use physical means or corporal punishment to discipline or control a student;

- (i) engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm;
- (j) develop 'special' relationships with students that could be seen as favouritism (e.g. the offering of gifts or special treatment for specific students);
- (k) engage in undisclosed private meetings with a student who is not their own child;
- (l) engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student;
- (m) take or publish (including online) photos, movies or recordings of a student without parents' consent;
- (n) post online any information about a student that may identify them, such as their: full name, age, email address, telephone number, residence, school, or details of a club or group they may attend; or
- (o) ignore or disregard any suspected or disclosed child abuse.

Note: The College's **Professional Boundaries Policy** provides detailed guidance for all Council members, staff, volunteers, third party contractors, external education providers and student teachers on how to maintain professional boundaries between students and adults at the College.

6. Council members' responsibilities 6.1 Council members must:

- (a) acquire and keep up-to-date knowledge of child protection matters;
- (b) have an understanding of the nature of the College's operations and the child protection risks associated with these operations;
- (c) ensure that the College has appropriate resources to effectively implement its **Statement of Commitment to Child Safety**;
- (d) ensure that the College has appropriate processes for receiving and considering information regarding child protection issues and is able to respond in a timely way to that information; and
- (e) ensure that the College has and implements processes to ensure that the College is complying with its legal and regulatory obligations with respect to child protection.

7. Headmaster's responsibilities

7.1 The Council has delegated day-to-day management of the College to the Headmaster.

7.2 The Headmaster is ultimately responsible, and will be accountable to the Council, for taking all reasonable measures to ensure that:

- (a) the College's **Statement of Commitment to Child Safety, Professional Boundaries Policy** and related procedures are implemented effectively with available resources effectively deployed;
- (b) appropriate Child Protection Investigators are appointed and trained;
- (c) a strong and sustainable child protection culture is maintained within the College;
- (d) staff who have direct contact with students are informed annually of their legal responsibilities in relation to child protection and other relevant expectations;
- (e) staff are informed annually of the requirement to notify and investigate allegations of reportable conduct in compliance with the College's **Reportable Conduct Procedures**;
- (f) all persons engaged in child-related work have a current Working with Children Check (WWC) clearance and number;
- (g) evidence of WWC clearances is maintained for all persons working in child-related employment at the College;
- (h) the College responds to reportable matters in accordance with the College's **Reportable Conduct Procedures** and its legislative requirements;
- (i) any child protection incidents arising are dealt with professionally and in a timely manner;
- (j) all staff who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* are informed annually of their obligations and the College's **Child Protection Incidents Procedures**;
- (k) the Council receives regular reports with respect to child protection matters; and
- (l) the College is complying with its legal and regulatory obligations with respect to child protection.

8. Child Protection Investigators' responsibilities

8.1 A number of senior staff are nominated as the College's Child Protection Investigators. The names, positions and contact details for the Child Protection Investigators are available on request.

8.2 Key responsibilities for the Child Protection Investigators include:

- (a) having a good working knowledge of the College's child protection policies and procedures;
- (b) being a point of contact for staff, or other members of the College community, to raise child protection concerns within the College;
- (c) communicating the College's child protection policies and procedures to all stakeholders including students, parents, staff and volunteers;
- (d) ensuring that the College's **Statement of Commitment to Child Safety** and child protection policies and procedures are being implemented effectively;
- (e) ensuring that all staff, Council members and direct contact volunteers undertake child protection training so that they are able to identify signs of abuse, neglect or grooming, and understand how to respond and when to make a referral either internally or to an external agency;
- (f) inducting and managing the training of new staff, Council members and direct contact volunteers in the College's child

protection policies and procedures, including the College's **Child Protection Incidents Procedures**;

- (g) providing all staff, third party contractors, external education providers and volunteers with a copy of the College's **Statement of Commitment to Child Safety**;
- (h) where approval is given by the Headmaster, promptly managing the College's response to an allegation, disclosure or suspicion of abuse, neglect or grooming with the assistance of the Headmaster and senior staff, and ensuring that the disclosure is taken seriously;
- (i) offering assistance and support when a member of the College community receives or makes a disclosure of abuse, neglect or grooming;
- (j) organising external support to assist parties following a disclosure or suspicion of abuse, neglect or grooming; and
- (k) developing processes for minor corrective issues that don't need to be reported to an outside authority.

8.3 If a Child Protection Investigator cannot perform their role, for example, due to conflicts of interest or absence, these duties must be performed by another Child Protection Investigator, or the Headmaster or the Deputy Headmaster.

8.4 The Headmaster has appointed the Deputy Headmaster as the College's Senior Child Protection Investigator. The key responsibilities of the Senior Child Protection Investigator include:

- (a) being the first point of contact for all child protection concerns or queries for the wider community;
- (b) ensuring that other Child Protection Investigators understand and comply with their key responsibilities;
- (c) ensuring that all Child Protection Investigators undergo appropriate training in the College's child protection policies and procedures, their legal responsibilities, and how to appropriately respond to child protection concerns and incidents;
- (d) coordinating the College's response to child protection incidents in consultation with the Headmaster and the Council;
- (e) reviewing and assessing the College's child protection policies and procedures, including the College's **Child Protection Incidents Procedures**; and
- (f) ensuring that the College's child protection policies and procedures are implemented effectively and communicated to all relevant stakeholders.

9. Staff and student teacher responsibilities

9.1 All staff and student teachers are required to comply with the College's:

- (a) **Statement of Commitment to Child Safety**;
- (b) **Reportable Conduct Procedures**;
- (c) **Professional Boundaries Policy**; and
- (d) **Child Protection Incidents Procedures**.

9.2 It is each individual's responsibility to be aware of key risk indicators of child abuse, neglect and grooming, to be observant, and to raise any concerns they may have relating to child abuse, neglect or grooming with one of the Child Protection Investigators and/or with external agencies where required by legislation.

10. Direct contact volunteers' responsibilities

10.1 All direct contact volunteers are required to adhere to the College's **Statement of Commitment to Child Safety** and its child protection policies and procedures. They must also be aware that they too have legal obligations with respect to the reporting of child abuse, neglect or grooming behaviours under the NSW Reportable Conduct Scheme.

10.2 It is each individual's responsibility to be aware of key risk indicators of abuse, neglect and grooming, to be observant and to raise any concerns they may have relating to child protection with one of the Child Protection Investigators and/or with external agencies where required by legislation.

11. Indirect contact volunteers' responsibilities

11.1 All indirect contact volunteers are responsible for contributing to the safety and protection of children and young people in College environments. Indirect contact volunteers also have legal obligations with respect to the reporting of abuse, neglect or grooming behaviours under the NSW Reportable Conduct Scheme.

11.2 All Indirect Contact Volunteers are required by the College to adhere to the College's **Statement of Commitment to Child Safety** and Child Safety Code of Conduct.

12. Third party contractors' responsibilities

12.1 All third party contractors are responsible for contributing to the safety and protection of children and young people in the College environment.

12.2 All third party contractors engaged by the College are required by the College to adhere to the College's **Statement of Commitment to Child Safety**.

12.3 Where third party contractors are engaged at short notice, making it impractical to undertake normal screening or briefing sessions, the College will take reasonable steps to ensure the protection of children and young people at the College while the work is being completed.

12.4 The College may include this requirement in the written agreement between it and the third party contractor.

13. External education providers' responsibilities

13.1 All external education providers engaged by the College are responsible for contributing to the safety and protection of children and young people in the College environment.

13.2 All external education providers engaged by the College are required by the College to adhere to the College's **Statement of Commitment to Child Safety** and Child Safety Code of Conduct, and are required to have appropriate child protection policies and procedures within their organisation.

13.3 The College may include this requirement in the written agreement between it and the external education provider.

14. Disciplinary procedures

14.1 Where a staff member breaches this Code of Conduct, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.

14.2 Where a Council member breaches any obligation, duty or responsibility within this Code of Conduct, the Council will take appropriate action.

14.3 Where any other member of the College community breaches any obligation, duty or responsibility within this Code of Conduct, the College will take appropriate action.

15. Reporting child protection concerns and reportable conduct

15.1 All breaches and suspected breaches of this Code of Conduct must be reported to the Headmaster or a Child Protection Investigator.

15.2 Council members, staff, volunteers, third party contractors, external education providers and student teachers must:

(a) comply with the College's **Reportable Conduct Procedures**; and

(b) as soon as possible after becoming aware of it, report any recent or historical reportable conduct by a current or former employee to the Headmaster or, if the employee to whom the matter relates is the current Headmaster, to the Office of the Children's Guardian and the Chair of the Council, on a confidential basis.

15.3 The College's **Child Protection Incidents Procedures** include information for Council members, staff, volunteers, third party contractors, external education providers and student teachers on how to identify key risk indicators of child abuse and how to report child abuse concerns to one of the Child Protection Investigators. They also contain information on reporting child abuse incidents to relevant authorities.

15.4 Staff, volunteers, third party contractors, external education providers and student teachers who have concerns that a child or young person may be subject to abuse are required to comply with the College's **Child Protection Incidents Procedures**.

15.5 Students, parents and other College community members who have concerns that a child or young person may be subject to abuse are encouraged to contact one of the Child Protection Investigators.

15.6 Communications will be treated confidentially on a 'need to know basis'.

15.7 Whenever there are immediate concerns for a student's safety the Police should be called on 000.

Notes

Child Safety Code of Conduct 2020

Date adopted: 25 March 2020

Date commenced: 20 January 2021

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Professional Boundaries Policy

1. Object

1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

1.2 Council members, staff, student teachers, volunteers, third party contractors, and external education providers hold a unique position of influence, authority, trust and power in relation to students at the College. As such, it is their duty, at all times, to maintain professional boundaries with students.

1.3 This policy is designed to raise awareness of situations where professional boundary violations may occur and to identify strategies to minimise the risk of boundary violations.

1.4 Adopting protective behaviours at all times will also reduce the risk of misunderstandings.

2. Application

2.1 This policy applies to the College and its Council members, staff, student teachers, volunteers, third party contractors, and external education providers, for the welfare and benefit of the College's students.

3. Definitions

3.1 In this policy:

College	means Newington College, as represented by the authorised delegates of the Council.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
direct contact third party contractor	<p>means third party contractors who:</p> <ul style="list-style-type: none"> • have direct contact with students during the normal course of their work; or • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and • any contractors whom the College is legally required to screen. <p>This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.</p>
direct contact volunteer	means volunteers that are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
external education provider	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
Head of Campus	means the Head of Lindfield Preparatory School or the Head of Wyvern House Preparatory School, as appropriate.
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)
indirect contact volunteer	<p>means volunteers who are:</p> <ul style="list-style-type: none"> • involved in providing support and services, whilst not directly assisting a specific group of students; and • not responsible for supervising students. <p>(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)</p>
parent	means one or more parents, guardians or carers of a student enrolled at the College.
responsible person	means Council members, staff members, student teachers, volunteers, third party contractors, and external education providers.
staff or staff member	means the College's permanent, temporary and casual teaching and non-teaching staff.
student teacher	means a person who is undertaking a teaching placement at the College as part of their tertiary education, and who teaches under the supervision of a teacher.
third party contractor	means direct contact third party contractors and indirect contact third party contractors.
volunteer	means direct contact volunteers and indirect contact volunteers.

3.2 A reference in this policy to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Maintaining a child safe environment

4.1 The College is committed to providing a safe physical and emotional environment where all of its students are respected and treated with dignity in an appropriate professional and caring manner, where the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

4.2 It is the College's policy that:

- (a) responsible persons exercise their responsibilities in a way that at all times recognises professional boundaries with regard to their relationships with students;
- (b) responsible persons identify, discourage, reject and report any advances of a sexual nature initiated by a student;
- (c) interaction with students is professional at all times, including inside and outside of school hours;
- (d) conflicts of interests must be reported in accordance with the College's **Conflict of Interests Policy**;
- (e) equal learning opportunities are given to each student without discrimination; and
- (f) appropriate consequences will be applied to staff who breach professional boundaries.

5. What are professional boundaries?

5.1 Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a responsible person), in circumstances where a power imbalance exists.

5.2 The fact that responsible persons are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

5.3 In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger staff and other people in a position of authority who may only be a few years older than their students.

5.4 The following guidelines are not exhaustive, and, given that sometimes "grey areas" may occur, it is expected that all responsible persons (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

5.5 When unsure about whether professional boundaries are being, or have been, breached, responsible persons should ask themselves:

- (a) Would I modify my behaviour if a colleague was present?
- (b) How would I feel about explaining my actions at a staff meeting?
- (c) Am I sharing information for the student's benefit, or for my benefit?
- (d) Am I dealing with this student differently from others in similar circumstances?
- (e) Is my language or demeanour different from normal when dealing with this particular student?

6. Intimate relationships

6.1 Responsible persons must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional, basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents.

6.2 Such relationships have a serious negative impact on the well-being, teaching and learning of students and colleagues and may carry a serious reputational risk for the responsible person and, in turn, the College.

6.3 The professional relationships of responsible persons and students may be breached by:

- (a) flirtatious behaviour or dating;
- (b) development of an intimate personal relationship;
- (c) sexual relations;
- (d) the use of sexual innuendo, inappropriate language and/or material with students;
- (e) unwarranted and inappropriate touching;
- (f) unwarranted and inappropriate filming or photography;
- (g) deliberate exposure to sexual behaviour of others (e.g. pornography);
- (h) having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms);
- (i) going out, whether alone or in company, to social events such as the movies or dinner; or
- (j) exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

6.4 Responsible persons should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so.

6.5 The imbalance of power and authority that exists in the staff/student relationship (and student relationships with other people in authority) does not suddenly disappear after the student finishes their schooling. Responsible persons should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the College as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/student relationship existed.

7. Personal relationships

7.1 Responsible persons must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as

having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents.

7.2 It is the student's perception of behaviour by staff and other people in a position of authority and not the intention of the responsible person that is important. An established and expected professional relationship with a student may be compromised by responsible persons:

- (a) attending parties or socialising with students outside of organised College events (without parents' permission);
- (b) sharing personal details about their private lives with students; or
- (c) meeting with students outside of school hours without permission from the College.

7.3 Responsible persons must recognise at all times that their role is not to be a "friend" or "parent" to a student.

8. Fair learning opportunities

8.1 The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

8.2 Teachers should demonstrate their commitment to student learning by:

- (a) maintaining a safe and challenging learning environment that promotes mutual respect;
- (b) recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences;
- (c) encouraging students to develop and reflect on their own values;
- (d) interacting with students without bias;
- (e) not engaging in preferential treatment;
- (f) not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction; and
- (g) always making decisions in students' best interests.

9. Electronic communications

9.1 It is expected that all responsible persons will adhere to the following guidelines:

- (a) all use of technology should be for educational purposes or for the organisation of co-curricular activities;
- (b) all email communication between responsible persons and students should be via the College email system, with a copy to parents as appropriate, and reflect a professional staff/student relationship;
- (c) responsible persons should only communicate with students via text message in a professional capacity;
- (d) responsible persons should not give out their personal telephone numbers or social media contact details, unless authorised by the Deputy Headmaster or Head of Campus;
- (e) responsible persons are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the College;
- (f) responsible persons should not exchange personal pictures with a student;
- (g) teachers are not expected or encouraged to respond to concerns of parents or students on holidays, weekends or in the evening; and
- (h) any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

10. Physical contact with students

10.1 All responsible persons should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all responsible persons should adhere to the following guidelines for contact with students both in and outside of the College grounds:

- (a) minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake);
- (b) contact for sport, drama and dance instruction is acceptable in a class or team instructional situation but not in a one on one situation; and
- (c) if physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact situations. Once consent has been withdrawn no further contact can be made.

11. Off-campus excursions and camps

11.1 The following additional physical contact guidelines apply to staff during off-campus excursions or camps:

- (a) Checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space;
- (b) Always knock and advise of presence prior to entering a bedroom or dormitory; and
- (c) Ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

12. Managing conflicts of interests

12.1 Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interests may arise.

12.2 Where a responsible person feels that a conflict of interests may exist, they should report it in accordance with the College's **Conflict of Interests Policy**, and arrangements should be implemented to avoid the conflict situation if possible. For example, the

teaching of students by a staff member with a conflict should be avoided.

12.3 Any significant decisions relating to these students in the College (such as the appointment of classes or selection in sports teams) should be referred to the Deputy Headmaster or Head of Campus, as appropriate.

13. Disclosure of staff/student interactions

13.1 It is the College's policy that all staff are encouraged to declare any notable or significant interactions with students (other than students who are also their own children) outside school hours. Staff should use their own good judgment to determine whether an interaction is notable or significant. Examples of notable or significant interactions may include the following:

- (a) an interaction which occurred at the staff member's home or other residence;
- (b) an interaction which occurred at an event at which alcohol was served eg a party or other celebration or at a public venue;
- (c) an interaction during which the staff member observed the student engaging in illegal or improper activity; and
- (d) an interaction during which the student and the staff member were alone for a period of time.

If in doubt, staff should err on the side of caution and report the interaction.

13.2 Staff must report any interactions with students (other than students who are also their own children) outside school hours that are or may be a breach of, or inconsistent with, this policy or the College's **Child Safety Code of Conduct**. Staff must report the interaction to the Deputy Headmaster or Head of Campus (as relevant) as soon as possible after the interaction occurred.

13.3 Staff must not engage in inappropriate personal communications with a student through any medium, including online.

14. Disciplinary action

14.1 Where a staff member breaches this policy, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.

14.2 Where a Council member breaches this policy, the Council may take disciplinary action.

14.3 Where any other responsible person breaches any obligation, duty or responsibility within this policy, the College will take appropriate action.

Notes

Professional Boundaries Policy 2020

Date adopted: 20 August 2020

Date commenced: 20 January 2021

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Child Protection Incidents Procedures

1. Object

1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

1.2 These procedures give effect to the College's:

- (a) **Child Safety Code of Conduct**; and
- (b) **Professional Boundaries Policy**,

and should be read in conjunction with the College's **Reportable Conduct Procedures**.

1.3 The College is required to report to the NSW Department of Family and Community Services (FACS) or the NSW Police any reasonable suspicion that a child is at risk of significant harm, including physical abuse, sexual abuse, serious emotional or psychological harm, neglect, ill-treatment, family violence or grooming.

1.4 This obligation extends to all persons who, in the course of their professional, paid employment, deliver education, health care, children's services, residential services or law enforcement, wholly or partly, to children in NSW. It also extends to persons who hold a management position in an organisation that provides these services. The Memorandum of Understanding between FACS and the Association of Independent Schools of NSW (AISNSW) prescribes additional mandatory reporting procedures.

1.5 The object of these procedures is to:

- (a) explain the meaning of significant harm;
- (b) clarify the obligations of all Council members, staff, volunteers, student teachers, third party contractors, and external education providers in respect of suspected child protection incidents;
- (c) prescribe a process for responding to suspected child protection incidents; and
- (d) prescribe a process for mandatory and voluntary reporting of suspected child protection incidents

2. Application

2.1 These procedures apply to the College and its Council members, staff, volunteers, third party contractors, external education providers and student teachers, for the welfare and benefit of its students.

3. Definitions

3.1 Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the College's **Child Safety Code of Conduct**.

3.2 In these procedures:

assault	means:
	<ul style="list-style-type: none"> • the intentional or reckless application of physical force, without lawful justification or excuse, such as hitting, pushing or shoving; and • any act that intentionally or recklessly causes a child to apprehend immediate and unlawful violence. <p>Whether conduct constitutes assault will depend on the context and the circumstances. Injury is not an essential element of assault, and the existence of an injury does not necessarily mean that there was an assault.</p>
child	means a person who is under the age of 16 years.
Child Protection Investigator	means:
	<ul style="list-style-type: none"> • the Deputy Headmaster; • a Head of Campus; • the Deputy Head of Stanmore (Students); or • a College Psychologist.
College	means Newington College, as represented by the authorised delegates of the Council.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
direct contact third party contractor	means third party contractors who: <ul style="list-style-type: none"> • have direct contact with students during the normal course of their work; or

	<ul style="list-style-type: none"> • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and • any contractors whom the College is legally required to screen. <p>This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.</p>
employee	has the meaning given in clause 5.1 .
external education provider	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
family violence	<p>means 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; or • financial and social abuse. <p>Family violence includes behaviour that causes a child or young person to be exposed to the effects of the above.</p>
grooming behaviour	<p>means predatory conduct undertaken to prepare a child for sexual activity at a later time, including:</p> <ul style="list-style-type: none"> • exposing a child to indecent material; and • providing a child with an intoxicating substance or with any financial or other material benefit.
Head of Campus	means the Head of Lindfield Preparatory School or the Head of Wyvern House Preparatory School, as appropriate.
ill-treatment	<p>means unreasonable and seriously inappropriate, improper, inhumane or cruel treatment of a child, including:</p> <ul style="list-style-type: none"> • using inappropriate forms of behaviour management towards a child; • making excessive and/or degrading demands of a child; • hostile use of force towards a child; or • a pattern of hostile or degrading comments or behaviour towards a child.
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)
mandatory reporter	has the meaning given in clause 7.1 .
Mandatory Reporter Guide	means the guide to making a child protection report, published by the NSW government.
neglect	<p>means action or inaction by a person who has care responsibilities towards a child, including:</p> <ul style="list-style-type: none"> • supervisory neglect: an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or an intentional or reckless failure to adequately supervise a child, or a significantly careless act or failure that: <ul style="list-style-type: none"> • involves a gross breach of professional standards; and • has the potential to result in the death of, or significant harm to, a child; • carer neglect: grossly inadequate care that involves depriving a child of the basic necessities of life (e.g. food and drink, clothing, shelter and medical care/treatment); • failure to protect a child from abuse: an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child; or • reckless acts (or a failure to act): a reckless act or failure to act that: <ul style="list-style-type: none"> • involves a gross breach of professional standards; and • has the potential to result in the death of, or significant harm to, a child.
physical abuse	means assault, non-accidental injury or a pattern of injuries, including bruising, lacerations, welts, burns, fractures or dislocation of joints.
reportable conduct	has the meaning given in clause 5 of the College's Reportable Conduct Procedures .
serious emotional or psychological harm	means serious emotional deprivation or trauma caused to a child or young person by the behaviour of their parent, guardian or carer, including excessive criticism, withholding affection, exposure to domestic violence, intimidation, and threatening behaviour. Although it is possible for 'one off' incidents to cause serious harm, it is generally the frequency, persistence and duration of the conduct that causes the child or young person to experience emotional or psychological harm, including reduced confidence and self-esteem.
sexual abuse	means conduct by a child, a young person or an adult who abuses a position of power or trust (for example,

by use of bribes or physical or psychological threats) to involve a child or young person in a sexual activity, including:

- rape (also called sexual assault) – the penetration of the vagina or anus of a child or young person with any part of the body of another person (including their fingers), or with any object;
- oral sex – insertion of the penis into the mouth of a child or young person, or use of the tongue or lips on the vagina, penis, scrotum or anus of a child or young person;
- kissing, touching or fondling a child or young person in a sexual manner;
- sexual acts – doing an act of a sexual nature with or towards a child or young person, or making a child or young person do an act of a sexual nature, such as:
 - flashing/exposing genitals to a child or young person;
 - having a child or young person pose or perform in a sexual manner;
 - looking at a child or young person's genitals for sexual gratification;
 - exposing a child or young person to explicit material or acts (including pornographic material); or
 - communicating with a child or young person in a sexually explicit manner.

significant harm has the meaning given in **clause 6.1**.

staff or staff member means the College's permanent, temporary and casual teaching and non-teaching staff.

student teacher means a person who is undertaking a teaching placement at the College as part of their tertiary education, and who teaches under the supervision of a teacher.

teacher or teaching staff means permanent, temporary and casual staff with teaching commitments.

third party contractor means direct contact third party contractors and indirect contact third party contractors.

young person means a person who is 16 or 17 years of age.

3.3 A reference in these procedures to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. College commitment

4.1 The College is committed to responding to all child protection incidents in an appropriate manner, including:

- (a) informing the appropriate authorities and fully cooperating with any resulting investigation;
- (b) protecting any child or young person associated with the allegation, and providing ongoing support to other affected people;
- (c) taking appropriate measures in response to disclosures, reports or allegations involving a child or young person with a disability, or from a non-English speaking background; and
- (d) securing and retaining records of the suspected child protection incident and the College's response to it.

5. Meaning of 'employee'

5.1 For the purposes of these procedures, 'employee' means:

- (a) Council members;
- (b) the Headmaster;
- (c) staff, whether or not employed in connection with any work or activities of the College that relate to children; and
- (d) any individual engaged by the College to provide services to children, including:
 - i. volunteers;
 - ii. third party contractors;
 - iii. external education providers; and
 - iv. student teachers.

6. Meaning of 'significant harm'

6.1 For the purposes of these procedures, a child or young person is considered to be 'at risk of significant harm' if they have been or are at risk of physical abuse, sexual abuse, serious emotional or psychological harm, neglect, ill-treatment, family violence, or grooming, including circumstances where:

- (a) their basic physical or psychological needs are not being met, or are at risk of not being met;
- (b) their parents, guardians or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- (c) their parents, guardians or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education;
- (d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- (e) the child or young person is living in a household where there have been incidents of domestic violence, as a consequence of which they are at risk of serious physical or psychological harm; or
- (f) a parent, guardian or carer has behaved in such a way towards the child or young person that they have suffered or are at risk of suffering serious psychological harm.

- 7. Meaning of 'mandatory reporter'** 7.1 For the purposes of these procedures, a 'mandatory reporter' means:
- (a) Council members;
 - (b) the Headmaster;
 - (c) the College's management team;
 - (d) teachers, including casual or temporary teachers;
 - (e) psychologists and all other paid employees who interact with students;
 - (f) the College Nurse;
 - (g) direct contact third party contractors; and
 - (h) external education providers.
- 8. Mandatory reporting** 8.1 Mandatory reporters who have reasonable grounds to suspect that a child is at risk of significant harm must, as soon as practicable, report their suspicion and the reasons for it to:
- (a) the Headmaster, or if the suspicion relates to the Headmaster, the Chair of the Council; or
 - (b) the Department of Family and Community Services (**FACS**)
- Note:** Mandatory reporting applies to children only. Young people are not subject to mandatory reporting. Additional grounds for making a mandatory report are listed in the Mandatory Reporter Guide.
- 8.2 When the Headmaster receives a report from a mandatory reporter, he must report the matter to FACS and, where necessary, the NSW Police. Where the report concerns reportable conduct by a current or former employee, the Headmaster must also report the matter to the Office of the Children's Guardian in accordance with the College's **Reportable Conduct Procedures**.
- 8.3 The Headmaster must inform the mandatory reporter when he has reported the matter to FACS. Mandatory reporters are encouraged to follow up with the Headmaster if they have not received any information about their report.
- 8.4 A mandatory reporter who is not satisfied, after a reasonable period of time has elapsed, that the Headmaster has made a report to FACS, must themselves report their suspicion that a child is at risk of significant harm to the FACS Child Protection Helpline (132 111).
- 8.5 If a suspected child protection incident is reported to the Chair of the Council, they or their nominee, will perform the functions of the Headmaster prescribed in these procedures.
- 9. Voluntary reporting** 9.1 The safety and welfare of children and young people is paramount. Employees may at any time report any concern for the safety, welfare and wellbeing of a child or young person to the Headmaster or the FACS Child Protection Helpline (132 111).
- 9.2 A number of senior staff have been nominated as the College's Child Protection Investigators. The names, positions and contact details for all Child Protection Investigators are available on request.
- 9.3 An employee who has a concern that a child or young person may be at risk of significant harm should immediately report their concern to a Child Protection Investigator or the Headmaster, even if they are not sure whether their concern is valid and have not witnessed any harm occurring. The Child Protection Investigator will help clarify the concern and manage the next steps under these procedures. If the concern relates to the Headmaster, the employee should report the matter to the Chair of the Council.
- 9.4 Where an employee has a concern that a child or young person is at risk of significant harm based on the employee's observation of risk indicators, they should make written notes of their observations, including dates and times.
- 9.5 An employee who receives a disclosure, allegation or report that a child is at risk of significant harm should immediately report the matter to a Child Protection Investigator or the Headmaster. If the matter relates to the Headmaster, the employee should report it to the Chair of the Council.
- 9.6 If a suspected child protection incident is reported to the Chair of the Council, they or their nominee, will perform the functions of the Headmaster prescribed in these procedures.
- 9.7 If a concern, disclosure, allegation or report concerns reportable conduct by another employee, the employee should report the matter to the Headmaster or, if the matter involves the Headmaster, the Children's Guardian and the Chair of the Council, on a confidential basis, for handling in accordance with the College's **Reportable Conduct Procedures**.
- 9.8 Where a Child Protection Investigator or the Headmaster is concerned that a child or young person is at risk of significant harm, they will use the Mandatory Reporter Guide to determine whether those concerns reach the suspected Risk of Significant Harm threshold (as prescribed by the Guide).
- 9.9 If the Child Protection Investigator or Headmaster's concerns do meet the Risk of Significant Harm threshold, they must report the matter, in accordance with clause 8, by using the FACS Child Protection Helpline (132 111).
- 10. Reporting suspected child protection incidents to the Police** 10.1 The Headmaster will report to the Police any reasonable suspicion that a child at the College is at risk of significant harm due to grooming behaviour, sexual abuse, or physical abuse by an adult.
- 10.2 The Headmaster will also report to the Police any reasonable suspicion that a child or young person at the College is at risk of sexual abuse or physical abuse by another child or young person.
- 11. Responding to an emergency** 11.1 All employees must act as soon as they witness a child protection incident or form a reasonable belief or suspicion that a child or young person is at risk of significant harm.
- 11.2 If a child or young person is at immediate risk of harm, employees must, as necessary:
- (a) take immediate action to protect the safety of any child or young person involved;
 - (b) separate the alleged victim and others involved;
 - (c) administer first aid;
 - (d) call 000 for urgent medical or Police assistance to address immediate health and safety concerns; and

(e) contact one of the Child Protection Investigators.

12. Supporting students, former students and third parties

12.1 If a student privately discloses to an employee that they are experiencing abuse, neglect, grooming, or any other behaviour that places them at risk of significant harm, employees should:

- (a) stay calm and not display expressions of panic or shock;
- (b) reassure and support the student by stating clearly that the behaviour is not their fault;
- (c) reassure the student that they are believed;
- (d) tell them that disclosing the matter is the right thing to do;
- (e) be patient, and allow the student to talk at their own pace;
- (f) when responding, use the student's own language and vocabulary;
- (g) tell the student what they plan to do next;
- (h) remember that it is not their role to investigate the incident; and
- (i) record the information provided by the person in accordance with clause 17.

12.2 If a former student discloses to an employee that they are experiencing or have experienced abuse, neglect, grooming, or other behaviour that places them at risk of significant harm, employees should:

- (a) if the former student is still a child or young person, follow the advice in clause 12.1 and report the matter to a Child Protection Investigator or the Headmaster; and
- (b) if the former student is no longer a child or young person, report the matter to the Headmaster or, if the matter involves the Headmaster, the Chair of the Council, on a confidential basis, for handling in accordance with the College's **Reportable Conduct Procedures**.

12.3 If a third party, such as a friend, a relative or another parent raises a concern with an employee that a child or young person is at risk of significant harm, that employee should:

- (a) reassure and support the person;
- (b) listen to the person's concerns, seeking clarification where required;
- (c) thank the person for raising their concern;
- (d) advise the person that the College has procedures for dealing with situations like this;
- (e) advise the person that you will discuss their concerns with the relevant authorities; and
- (f) record the information provided by the person in accordance with clause 17.

12.4 Employees who receive a disclosure, allegation or report from a student, former student or third party must not:

- (a) promise the student, former student or third party that they will not tell anyone about the matter, even if they are asked to promise not to tell anyone;
- (b) interrogate or pressure the student, former student or third party to tell more than they want to; or
- (c) confront the person who is believed to be the perpetrator.

12.5 Employees who observe or overhear a student disclosing abuse, neglect, grooming, or other behaviour that places them at risk of significant harm, to another student or group of students should use a strategy called 'protective interrupting'.

12.6 The aim of 'protective interrupting' is to prevent a student from disclosing details of behaviour that places them at risk of significant harm in front of others, while providing the student with the opportunity to disclose later, in a safe and confidential manner. Employees can do this by:

- (a) asking the student if they can talk privately; and
- (b) moving the student away from other students to a quiet space.

13. Pastoral care for students

13.1 Where a student is considered to be at risk of significant harm, the Headmaster must notify the student's parents as soon as possible, unless:

- (a) FACS intends to notify the student's parents, guardians or carers promptly; or
- (b) in the opinion of the Headmaster, Deputy Headmaster or Head of Campus, it is in the best interests of the student's safety or welfare not to notify the student's parents, guardians or carers.

13.2 The College will, as appropriate:

- (a) make counselling available to any student who is considered to be at risk of significant harm and, where relevant, their family; and
- (b) refer students and their families to external agencies for care and support.

14. Support for employees

14.1 The College recognises that witnessing or receiving disclosures, allegations or reports of a child protection incident can be stressful and upsetting. Employees who are adversely affected by a suspected child protection incident should contact the College's

counsellors for support.

14.2 The Headmaster will take reasonable steps to ensure that employees who report, or support another person who reports, a suspected child protection incident in good faith are not subjected to victimisation or any detrimental action by any member of the College community.

15. Employee responsibilities

15.1 All employees are responsible for:

- (a) being aware of NSW child protection legislation;
- (b) making prompt reports of suspected child protection incidents, in accordance with these procedures;
- (c) cooperating in any investigation;
- (d) maintaining confidentiality in relation to any suspected child protection incident; and
- (e) maintaining and storing all records relating to suspected child protection incidents securely.

16. Disciplinary action

16.1 Where a staff member breaches these procedures, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.

16.2 Where a Council member breaches any obligation, duty or responsibility within these procedures, the Council will take appropriate action.

16.3 Where any other member of the College community breaches any obligation, duty or responsibility within these procedures, the College will take appropriate action.

17. Record keeping

17.1 All employees must keep clear and comprehensive notes relating to suspected child protection incidents that they report, including:

- (a) the child or young person's personal information, including name, age, gender, address and parent, guardian or carer information;
- (b) whether the child or young person needed first aid and, if so, who administered it and whether follow up care is or was required;
- (c) whether the child or young person has any disabilities, or mental or physical health issues;
- (d) the child or young person's history, including any known previous history of suspected abuse;
- (e) the child or young person's family background, including their cultural and linguistic background;
- (f) the reporter's grounds for the suspicion that the child or young person is at risk of significant harm, including any behavioural and physical indicators;
- (g) any details of the person alleged to have committed the abuse (if known);
- (h) who the matter was reported to (internally and externally);
- (i) any action that has resulted from the internal or external report; and
- (j) whether the parents, guardians or carers of the child or young person have been contacted.

17.2 All verbal and written communications, including meetings and telephone calls, must be properly documented, including dates and times.

17.3 The Headmaster is responsible for keeping all child protection records up to date.

17.4 All records relating to suspected child protection incidents must be stored securely and maintained indefinitely.

Notes

Child Protection Incidents Procedures 2020

Date adopted: 25 March 2020

Date commenced: 20 January 2021

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Reportable Conduct Procedures

1. Object

1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

1.2 These procedures give effect to the College's:

- (a) **Child Safety Code of Conduct**; and
- (b) **Professional Boundaries Policy**.

1.3 The College is required to investigate and report to the Office of the Children's Guardian all allegations of reportable conduct made against its employees.

1.4 The object of these procedures is to:

- (a) explain the meaning of reportable conduct;
- (b) clarify the obligations of all Council members, staff, volunteers, third party contractors, external education providers and student teachers in respect of reportable conduct;
- (c) prescribe a process for investigating and making findings of reportable conduct;
- (d) identify the potential outcomes from an investigation of reportable conduct;
- (e) explain the College's risk assessment process in respect of reportable conduct; and
- (f) provide for the use of interim measures to manage ongoing risks to the College's students.

2. Application

These procedures apply:

- (a) to the College and its Council members, staff, volunteers, third party contractors, and external education providers and student teachers;
- (b) in relation to recent and historical reportable conduct;

for the welfare and benefit of the College's students.

3. Definitions

3.1 Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the College's **Child Safety Code of Conduct**.

3.2 In these procedures:

assault means:

- the intentional or reckless application of physical force without lawful justification or excuse, such as hitting, pushing or shoving; and
- any act that intentionally or recklessly causes a child to apprehend immediate and unlawful violence.

Whether conduct constitutes assault will depend on the context and the circumstances. Injury is not an essential element of assault, and the existence of an injury does not necessarily mean that there was an assault.

behaviour that causes psychological harm means:

- an obviously or very clearly unreasonable or serious act, or series of acts, that the employee knew or ought to have known was unacceptable; and
- evidence of psychological harm to a child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, or the exacerbation or aggravation of an existing psychological condition, such as anxiety or depression; and
- an alleged causal link between the employee's conduct and the psychological harm to the child.

child means a person who is under the age of 16 years.

Child Protection Investigator means:

- the Deputy Headmaster;
- a Head of Campus;
- the Deputy Head of Stanmore (Students); or

	<ul style="list-style-type: none"> • a College Psychologist.
College	means Newington College, as represented by the authorised delegates of the Council.
conflict of interests	means a conflict between a person's official duties and their private interests that could influence, or be seen to influence, the performance of their official duties.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
direct contact third party contractor	<p>means third party contractors who:</p> <ul style="list-style-type: none"> • have direct contact with students during the normal course of their work; or • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and • any contractors whom the College is legally required to screen. <p>This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.</p>
direct contact volunteer	means volunteers that are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
employee	has the meaning given in clause 4.1.
external education provider	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
grooming behaviour	<p>means predatory conduct undertaken to prepare a child for sexual activity at a later time, including:</p> <ul style="list-style-type: none"> • exposing a child to indecent material; and • providing a child with an intoxicating substance or with any financial or other material benefit.
Headmaster	means the Headmaster of the College or, where appropriate, his nominee.
ill-treatment	<p>means unreasonable and seriously inappropriate, improper, inhumane or cruel treatment of a child, including:</p> <ul style="list-style-type: none"> • using inappropriate forms of behaviour management towards a child; • making excessive and/or degrading demands of a child; • hostile use of force towards a child; • a pattern of hostile or degrading comments or behaviour towards a child.
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)
indirect contact volunteer	<p>means volunteers who are:</p> <ul style="list-style-type: none"> • involved in providing support and services, whilst not directly assisting a specific group of students; and • not responsible for supervising students. <p>(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)</p>
neglect	<p>means action or inaction by a person who has care responsibilities towards a child, including:</p> <ul style="list-style-type: none"> • supervisory neglect: an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or an intentional or reckless failure to adequately supervise a child, or a significantly careless act or failure that: <ul style="list-style-type: none"> • involves a gross breach of professional standards; and • has the potential to result in the death of, or significant harm to, a child; • carer neglect: grossly inadequate care that involves depriving a child of the basic necessities of life (e.g. food and drink, clothing, shelter and medical care/treatment); • failure to protect a child from abuse: an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child; • reckless acts (or a failure to act): a reckless act or failure to act that: <ul style="list-style-type: none"> • involves a gross breach of professional standards; and • has the potential to result in the death of, or significant harm to, a child.
reportable conduct	has the meaning given in clause 5.1.

sexual misconduct	means conduct of a sexual nature that is committed against, with, or in the presence of a child, including: <ul style="list-style-type: none"> sexually explicit comments and other overtly sexual behaviour, such as: <ul style="list-style-type: none"> descriptions of sexual acts without a legitimate reason; inappropriate sexual comments, conversations or communications, including via emails, social media, web forums and 'sexting'; comments to a child that express a desire to act in a sexual manner towards the child or another child; sexual exhibitionism; unwarranted and inappropriate physical contact with a child; exposure of children to sexual behaviour, including the display of pornography; watching children undress in circumstances where supervision is not required and clearly inappropriate; and grooming behaviour.
sexual offence	means any criminal offence involving a sexual element that is committed against, with, or in the presence of a child, including: <ul style="list-style-type: none"> sexual touching; sexual assault; aggravated sexual assault; possession, dissemination or production of child pornography or child abuse material; using children to produce pornography; grooming or procuring children under the age of 16 for unlawful sexual activity; deemed non-consensual sexual activity on the basis of special care relationships, including student/teacher relationships.
staff or staff member	means the College's permanent, temporary and casual teaching and non-teaching staff.
student teacher	means a person who is undertaking a teaching placement at the College as part of their tertiary education, and who teaches under the supervision of a teacher.
teacher or teaching staff	means permanent, temporary and casual staff with teaching commitments.
third party contractor	means direct contact third party contractors and indirect contact third party contractors.
volunteer	means direct contact volunteers and indirect contact volunteers.
young person	means a person who is 16 or 17 years of age.

3.3 A reference in these procedures to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Meaning of 'employee'

4.1 For the purposes of these procedures, 'employee' means:

- (a) Council members;
- (b) the Headmaster;
- (c) staff, whether or not employed in connection with any work or activities of the College that relate to children; or
- (d) any individual engaged by the College to provide services to children, including:
 - (i) volunteers;
 - (ii) third party contractors;
 - (iii) external education providers; and
 - (iv) student teachers.

5. Meaning of 'reportable conduct'

5.1 For the purposes of these procedures, reportable conduct means any recent or historical:

- (a) sexual offence or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence or an offence involving child abuse material), including grooming behaviours;
- (b) assault, ill-treatment or neglect of a child; or
- (c) behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child.

5.2 Reportable conduct includes:

- (a) **reportable allegations:** an allegation that an employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment or engagement with the College; and
- (b) **reportable convictions:** a conviction (including a finding of guilt without the Court proceeding to a conviction) in NSW or elsewhere, for an offence involving reportable conduct.

5.3 Reportable conduct does not include:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to age, maturity, health or other characteristics of the child or children and any relevant codes of conduct or professional standards;
- (b) 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 by the College 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 Children's Guardian.

5.4 Examples of conduct that would not constitute reportable conduct include:

- (a) touching a child to get their attention, guide them or comfort them;
- (b) a teacher raising their voice to attract attention or restore order in a classroom; or
- (c) conduct that is established to be accidental.

6. Reporting reportable conduct to the Children's Guardian

6.1 Council members, staff, volunteers, third party contractors, external education providers and student teachers must, as soon as possible after becoming aware of it, report any reportable conduct by a current or former employee to the Headmaster or, if the employee to whom the matter relates is the current Headmaster, to the Children's Guardian and the Chair of the Council, on a confidential basis.

6.2 Other members of the College community may report any reportable conduct to the Headmaster or, if the employee to whom the matter relates is the current Headmaster, the Children's Guardian and the Chair of the Council, on a confidential basis.

6.3 The Headmaster will treat any report of reportable conduct as confidential.

6.4 The Headmaster will, unless he has a reasonable excuse, give the Children's Guardian a written notice about the reportable conduct within 7 business days of becoming aware of it. The notice to the Children's Guardian will state:

- (a) that a report has been received in relation to an employee of the College;
- (b) the type of reportable conduct that is the subject of the report, including any known relevant details;
- (c) the name of the employee and, if known, their date of birth and Working With Children Check number;
- (d) the name and contact details of the Headmaster and the College;
- (e) for a reportable allegation, whether the Commissioner of Police has been notified and any police report reference number;
- (f) if a report has been made in accordance with the College's **Child Protection Incidents Procedures**, that the report has been made and any reference number;
- (g) the nature of the College's initial risk assessment and risk management action; and
- (h) if known, the names of any other relevant entities that employ or engage the employee, whether directly or indirectly, to provide a service to children.

6.5 The Headmaster will report the outcome of any investigation into reportable conduct to the Children's Guardian as soon as possible after the investigation has been finalised.

6.6 A person who is dissatisfied with the Headmaster's response to a report of reportable conduct may make a complaint to the Children's Guardian.

7. Reportable conduct and mandatory reporting

7.1 In some cases, conduct that must be reported to the Children's Guardian must also be reported to the Department of Family and Community Services (**FACS**) and/or the Police in accordance with mandatory reporting procedures under the **Children and Young Persons (Care and Protection) Act 1998** (NSW) and the College's **Child Protection Incidents Procedures**.

7.2 The reportable conduct obligation covered in these procedures is separate to and distinct from the College's mandatory reporting obligation.

7.3 As the reportable conduct threshold is much lower than the mandatory reporting threshold, any matter involving an employee that requires mandatory reporting must also be reported to the Children's Guardian under these procedures.

7.4 A failure to make a report in accordance with these procedures may amount to an offence under the **Crimes Act 1900** (NSW).

8. Reportable conduct investigation

8.1 Subject to clause 8.2, as soon as practicable after receiving a report of alleged reportable conduct, the Headmaster will cause an investigation to be conducted in accordance with this clause.

8.2 The Headmaster will not cause an investigation into alleged reportable conduct to be commenced or continued if:

- (a) the Children's Guardian has given the College notice to defer the investigation, or has advised the College that it is exempt from commencing or continuing an investigation;
- (b) the Commissioner of Police or Director of Public Prosecutions advises that an investigation is likely to prejudice a Police investigation or court proceeding; or
- (c) the College is unable to commence or continue an investigation because:
 - (i) the employee who is the subject of the allegation is no longer employed, appointed or engaged by the College; and

(ii) the employee is unable to be contacted or refuses to participate in an investigation.

8.3 The Children's Guardian may intervene in an investigation or ask for further information during the course of an investigation.

8.4 The Headmaster will appoint an internal or external investigator to conduct the investigation, who is impartial and does not have an actual or reasonably perceived conflict of interests or bias in regard to the employee or the alleged reportable conduct.

8.5 An employee is entitled to procedural fairness in the investigation of any allegation of reportable conduct. This means that:

- (a) investigations will be conducted sensitively, fairly and impartially;
- (b) investigations will be conducted in a timely manner;
- (c) all parties will be advised of the need for confidentiality during the investigation;
- (d) the employee will have a reasonable opportunity to respond to the alleged reportable conduct orally and in writing, and to provide any relevant documents; and
- (e) the employee may be accompanied to any meeting by a support person, if they wish.

8.6 The standard of proof to be satisfied in investigations of reportable conduct is 'on the balance of probabilities', which requires satisfaction on the evidence that the matter found to have occurred is more likely to have occurred than not. The College will take into account the nature and seriousness of the alleged conduct when deciding whether the standard of proof is met.

8.7 The Headmaster will write to the employee:

- (a) setting out the alleged conduct;
- (b) advising the employee of the name of the investigator;
- (c) inviting the employee to participate in the investigation, and to provide:
 - (i) any documentary information relevant to the alleged conduct;
 - (ii) the names of any witnesses who could provide information relevant to the alleged conduct;
- (d) inviting the employee to bring a support person to any meeting;
- (e) advising the employee that any meeting will be digitally recorded, and that a copy of the digital record will be provided to the employee;
- (f) advising the employee of any interim measures to be imposed in accordance with clause 12 below;
- (g) advising the employee that any finding of reportable conduct may result in disciplinary action, including dismissal or termination of contract; and
- (h) providing a copy of, or an electronic link to, these procedures.

8.8 The Headmaster may contact the parents of any child involved in the alleged reportable conduct to:

- (a) advise them of the alleged reportable conduct;
- (b) seek their permission to interview the child; or
- (c) provide information about the progress of the investigation.

8.9 The investigator will gather all information relevant to the alleged conduct, including:

- (a) direct evidence, obtained by speaking confidentially with people involved in the alleged conduct, including the child, the employee and any witnesses;
- (b) physical evidence, obtained by:
 - (i) collecting documents (e.g. rosters, emails);
 - (ii) securing and inspecting objects (e.g. mobile phones, computers);
 - (iii) inspecting locations to check the relevant positions of parties and witnesses to the alleged reportable conduct (e.g. playgrounds, classrooms). This may include taking photographs and making drawings or diagrams of the location;
- (c) expert evidence, obtained from people who have specialised knowledge in a specific field that the general public do not have (e.g. a medical practitioner).

8.10 A decision by the investigator not to interview a witness, or refusal by a witness to be interviewed for the purposes of the investigation, will not invalidate the outcome of the investigation.

8.11 If at any time during the investigation a related allegation is made against the employee, the investigator may investigate that allegation together with the existing allegation(s).

8.12 The investigator will document any unrelated allegations that arise during the investigation, together with details of any action taken by the College.

8.13 Subject to any contrary advice or instructions from the Children's Guardian, the Department of Family and Community Services or

the Police, after all relevant information has been obtained, the Headmaster will write to the employee:

- (a) setting out the alleged conduct in sufficient detail for the employee to be able to respond;
- (b) providing any information that is necessary to enable the employee to respond;
- (c) inviting the employee to formally respond in writing and/or in person to the alleged conduct, and any information provided, within a reasonable timeframe;
- (d) inviting the employee to bring a support person to any meeting; and
- (e) advising the employee that any meeting will be digitally recorded, and that a copy of the record will be provided to the employee.

9. Investigation findings

9.1 At the conclusion of the investigation, the investigator will assess all of the relevant evidence, including the employee's response, and prepare a report for the Headmaster setting out:

- (a) findings of fact;
- (b) whether any of the findings of fact constitute reportable conduct; and
- (c) if recommendations are requested by the Headmaster, any recommendations.

9.2 When making findings of fact, the investigator must consider:

- (a) the relevance of all evidence to the alleged conduct;
- (b) the reliability and weight of all evidence collected;
- (c) whether accounts of the alleged conduct are consistent over time, and consistent with other evidence; and
- (d) the extent to which the evidence corroborates or contradicts the allegation.

9.3 The report must clearly state whether each allegation is:

- (a) sustained (a finding on the balance of probabilities that the conduct occurred);
- (b) not sustained (the evidence is lacking weight, or there is insufficient evidence to establish on the balance of probabilities that the alleged conduct occurred); or
- (c) false (a finding that the conduct did not occur).

9.4 In respect of each allegation that is sustained, the report must clearly state whether the conduct is reportable conduct or not reportable conduct.

9.5 The findings set out in the report will inform the College's child protection risk assessment and any action required to mitigate ongoing risks.

10. Outcome of a reportable conduct investigation

10.1 The Headmaster may accept or reject any findings set out in the investigation report. The reasons for rejecting any findings must be documented.

10.2 The Headmaster must consider whether the reportable conduct is in breach of established standards applying to the employee, having regard to:

- (a) professional standards;
- (b) codes of conduct, including any professional or ethical codes; and
- (c) accepted community standards.

10.3 Within 30 days of receiving the investigation report, the Headmaster will:

- (a) advise the Children's Guardian of the outcome of the investigation, and provide a copy of the investigation report and any attachments, including the employee's response;
- (b) provide to the Children's Guardian such comments on the report as the Headmaster considers appropriate;
- (c) inform the Children's Guardian of any action that the College has taken, or proposes to take, in response to the report, including any disciplinary action against the employee and any changes to systems or policies;
- (d) inform the Children's Guardian of the reasons for any action taken, including any decision to take no further action;
- (e) if the reportable conduct is sustained, consider whether it is necessary to:
 - (i) make a report to FACS and/or the Police in accordance with the mandatory reporting procedures;
 - (ii) advise the Children's Guardian about the impact of the reportable conduct on the employee's Working With Children Check clearance;
- (f) write to the employee informing them of the outcome of the investigation, including any disciplinary action;
- (g) write to the affected child or children and their parents to inform them of the outcome of the investigation, and any action taken in response to the findings, taking into account the rights of the employee under privacy legislation;
- (h) consider any strategies to minimise future risk of reportable conduct by the employee; and
- (i) consider any necessary amendments to policy, procedures and practices.

10.4 A person who is dissatisfied with the outcome of the investigation may take their complaint to:

- (a) the Headmaster; or
- (b) the Children's Guardian, FACS or the NSW Police as appropriate.

11. Risk assessments

11.1 The Headmaster will assess the risk that an employee poses to a child or children:

- (a) after an allegation of reportable conduct is made;
- (b) during an investigation of the alleged reportable conduct; and
- (c) at the end of the investigation;

to determine what, if any, action needs to be taken regarding the employee to address that risk.

11.2 After an allegation of reportable conduct is made, the Headmaster will consider:

- (a) whether any interim measures should be imposed in accordance with clause 12;
- (b) whether the employee should remain in the workplace; and
- (c) if the employee remains in the workplace, what duties they will undertake and who will monitor and assess the risks associated with the employee having access to children.

11.3 During the investigation, the Headmaster will ensure that appropriate support, including counselling, is provided for:

- (a) the child or children who were the subject of the alleged conduct;
- (b) the employee who is the subject of the allegation of reportable conduct; and
- (c) other relevant parties, including parents of the child or children, and other employees affected by the alleged reportable conduct.

11.4 At the conclusion of the investigation, the Headmaster will review the situation to ensure that all relevant risk issues have been considered and addressed. This may include consideration of environmental factors and work practices that result in unsupervised access to children by employees.

11.5 The Headmaster may decide to take measures to address any further risks, including:

- (a) training for one or more employees;
- (b) changing work practices in certain situations; or
- (c) changes to the physical environment.

12. Interim measures

12.1 Notwithstanding any clause in these procedures, in order to minimise the potential for harm to any student or other person, the Headmaster may in his absolute discretion temporarily:

- (a) move an employee into alternate duties;
- (b) restrict an employee's access to particular classes;
- (c) restrict an employee's access to specified buildings, facilities or accommodation;
- (d) prohibit an employee from speaking to or approaching another person (including by social media, email, letter or through a third party);
- (e) suspend an employee from work; or
- (f) take any other action that the Headmaster considers appropriate in all the circumstances,

for such period, and on such terms, as the Headmaster considers appropriate.

12.2 A decision to take interim measures should not:

- (a) influence the findings of any investigation process; or
- (b) be interpreted as anticipating or revealing the outcome of any investigation process.

12.3 Interim measures must be reasonable and proportionate, having regard to:

- (a) the nature and seriousness of the allegations;
- (b) the vulnerability of the children that the employee would be in contact with at work, taking into account their age, communications skills and any disabilities;
- (c) the nature of the position occupied by the employee, including the extent of their interaction with children;
- (d) the availability of support for the employee on a day to day basis if their duties remain unchanged; and
- (e) the employee's disciplinary history.

12.4 Interim measures may be taken summarily, and the Headmaster:

- (a) is not required to provide a hearing to the employee before making a decision; and
- (b) may inform himself in relation to any matter in any manner that he thinks fit.

12.5 Once taken, interim measures will continue to apply until they:

- (a) are revoked or varied by the Headmaster; or
- (b) expire in accordance with their terms.

12.6 The Headmaster must, within 24 hours of imposing interim measures:

- (a) notify the employee of the imposition of interim measures, and the reason for the interim measures; and
- (b) provide a copy of, or an electronic link to, these procedures.

13. Employee responsibilities

13.1 All employees are responsible for:

- (a) immediately reporting any allegation of reportable conduct by an employee to the Headmaster or, if the allegation involves the Headmaster, the Children's Guardian and the Chair of the Council;
- (b) cooperating in any investigation;
- (c) maintaining confidentiality in relation to any alleged reportable conduct; and
- (d) maintaining and storing all records relating to alleged reportable conduct securely.

14. Protection against retribution

14.1 A person must not take or threaten to take detrimental action against another person, as a consequence of that other person, in good faith:

- (a) giving or proposing to give a report to the Headmaster, the Children's Guardian or the Chair of the Council; or
- (b) making a complaint or notification to the Children's Guardian;

in accordance with these procedures.

Note: This is a criminal offence under the *Children's Guardian Act 2019*, punishable by 50 penalty units and/or imprisonment for 12 months

14.2 For the purposes of clause 14.1, a report, complaint or notification is not given in good faith if it was proposed or made in bad faith, or was known by the person giving it to be false.

14.3 For the purposes of clause 14.1, detrimental action means action causing, comprising or involving:

- (a) injury, damage or loss;
- (b) intimidation or harassment;
- (c) discrimination, disadvantage or adverse treatment in relation to employment;
- (d) dismissal from or prejudice in employment;
- (e) prejudice in the provision of a community service; or
- (f) disciplinary proceedings.

15. Disciplinary action

15.1 An employee who is found to have engaged in conduct that constitutes reportable conduct may be subject to disciplinary action, including:

- (a) counselling;
- (b) demotion;
- (c) dismissal or termination of contract.

15.2 Where a Council member breaches any obligation, duty or responsibility within these procedures, the Council will take appropriate action.

15.3 Where any other member of the College community breaches any obligation, duty or responsibility within these procedures, the College will take appropriate action.

16. Record keeping

16.1 The Headmaster will document and store securely the following information relating to alleged reportable conduct:

- (a) the alleged reportable conduct;
- (b) the College's initial response to the alleged reportable conduct, including communications with the affected employee and the child or children and their parents;
- (c) any communications with the Children's Guardian, FACS or the Police;
- (d) the risk assessments conducted by the Headmaster;
- (e) a record of all interviews conducted during the investigation, including the location of the interview, who was present, and start and finish times;

- (f) any decision made during or at the conclusion of the investigation, including:
 - (i) the rationale for the decision;
 - (ii) the name and position of the person who made the decision; and
 - (iii) the date on which the decision was made;

- (g) any personal contact, discussions, emails or other communications about the alleged reportable conduct, including:
 - (i) the date;
 - (ii) details of the communication;
 - (iii) the name and position of the person who made the contact; and
 - (iv) where appropriate, the reason for the contact; and

- (h) the investigation report.

Notes

Reportable Conduct Procedures 2020

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