

## Child Protection Policy

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### 1. Introduction

In South Australia, the main law concerning the protection of children is the Children's Protection Act 1993 (SA).

The objects of the Act are to:

- ensure that all children are safe from harm
- ensure that as far as practicable all children are cared for in a way that allows them to reach their full potential
- recognise the importance of families to children and promote caring attitudes and responses towards children among families and all sections of the



community so that the need for appropriate nurture and care and protection (including protection of the child's cultural identity) is understood, risks to a child's well-being are quickly identified and any necessary support, protection or care is promptly provided

## 2. Purpose

The purpose of this policy is:

1. to articulate Scotch College's commitment to the safety and protection of students
2. To prevent and facilitate the prevention of child abuse occurring within Scotch College
3. To work towards an organisational culture of child safety.
4. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
5. To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.

Consistent with the Mission and Values statements, Scotch College is committed to providing a safe and caring environment to assist children and young people to reach their full potential. Adults are the people in our society who have the responsibility for child protection and therefore, staff and volunteers of Scotch College will act in a positive way to develop a safe environment for the children and young people in their care. They will take action to fulfil their duty of care.

Children are the most vulnerable members of our society. Scotch College acknowledges its responsibility to protect the safety and wellbeing of children and young people whilst they are at College or involved in activities organised by the College.

We also recognize that children and young people can act in ways that may jeopardise the physical and emotional well-being of other children and young people, and that adults have a responsibility to prevent, limit or address such behaviours.

## 3. Scope

**This policy applies to:**

- All Scotch College employees, staff and volunteers, irrespective of whether or not they are working directly with children and young people;
- All third party providers and users of our site and or services who are



identified as working directly with children and young people, working in unsupervised proximity to children and young people or accessing records relating to children and young people at Scotch College;

- All members of Scotch College Governing Council and Council sub-committees.
- In relation to students aged 18 years or over, enrolled at the College; see Section 11: Students Aged 18 and Over
- Any individuals living on College grounds that are not enrolled as a student, volunteer or staff member.

#### **It applies:**

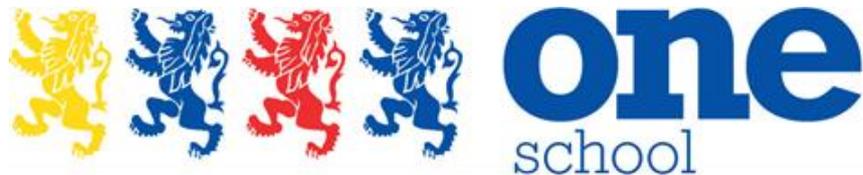
- On and off Scotch College's site, for example including camps, excursions and overseas trips organised by the College
- At functions where individuals are representing the College
- In relation to Boarding and Homestays that are part of Scotch College's service offerings.

## **4. Legal and Policy Framework**

### ***Children's rights***

Children have the right to special protection due to their increased vulnerability to exploitation, neglect and abuse. **The Convention on the Rights of a Child 1990 (CRC)**, of which Australia is a signatory, identifies 54 articles across the following 4 guiding principles:

- **Non-discrimination:** No child should be discriminated against for any reason, no matter their religion, race or abilities; whatever they think or say; what their culture is; whether they are boys or girls or whether they are rich or poor.
- **The best interests of the child:** Any decision made or action taken that may affect children must prioritise the best interests of the child, **always** and benefit them in the best possible way. This means that when adults make decisions that affect children, they should consider what would be best for the child.
- **Ensuring the child's survival and development:** Every child has the inherent right to life, and it is the responsibility of decision-makers to ensure they are provided every opportunity to develop and reach their potential physically, spiritually, morally and socially.



- **Participation:** Children are experts in their own lives and experiences, and have the right to have their say in decisions that affect them. Every child has the right to express his or her opinion, and can provide advice and valuable insight into how their rights can best be protected and fulfilled.

## 5. Definitions

**Child** means a person under 18 Years of age, enrolled as a student at the College.

**Children and Young People** refers to all students enrolled as students at the College, including students aged 18 years and above.

**Child Protection** means any responsibility, measure or activity undertaken to safeguard children from harm

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

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

**Duty of Care** is a common law concept that refers to the responsibility of employees and volunteers to provide children with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children from all reasonably foreseeable risk of harm. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. In their relationships with children, employees and volunteers are required to ensure that the physical and emotional welfare of students is safeguarded, and that their own behaviour with children is always regulated by this duty of care



**Reasonable Grounds** is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed.

## 6. Prevention

### **Curriculum and Wellbeing Strategies**

Scotch College students will be supported to recognise abuse and neglect through the College's pastoral care and student wellbeing programs.

All children and young people will be supported to build positive, respectful relationships with other children and young people and with adults.

All students will have the opportunity to build trusted relationships with all adults in the College. These adults can be approached with issues and concerns, such as Heads of House, Mentors and Class Teachers.

### **Student Voice**

Students are encouraged and provided a forum to communicate their areas of concern and vulnerability. Any student seeking to report a Child Safety concern is encouraged to contact the Child Protection Officer, Head of Campus or Principal.

Structures including House Captains and Student Action Team leaders provide nominated students to act as key agents in the communication of student opinion. Inclusion of students in major decisions effecting the College is encouraged, from the appointment of the Principal to the adoption of new procedures.

### **Physical environment**

The College will regularly review and monitor its physical environment, and adjust as required to ensure student safety. Monitoring will occur through yard duty, inspections and general vigilance.

## 7. Reporting

### **Key Principles**

1. The safety and care of the child is the paramount consideration.
2. Any concerns are addressed expeditiously.
3. Reporting abuse and neglect requirements as specified in the **Student Protection Policy and Procedures** document are adhered to and followed.



4. Risk of inappropriate behaviour in the future is considered and addressed.
5. Any allegations are addressed fairly having regard to the interests of all those involved.
6. A detailed record of key matters is made when an issue arises and includes all observations, reports, communications and actions taken including follow-up support provided.
7. Details regarding alleged abuse should be kept confidential for the sake of both the alleged victim and the alleged offender wherever possible. It is important to acknowledge the following:
  - a. A person is presumed innocent unless and until proven guilty as a result of evidence presented to a properly constituted and conducted inquiry by an appropriate authority.
  - b. A person against whom allegations are made is entitled to natural justice, to know all the details of any allegations made and be afforded all reasonable opportunities to seek legal advice and/or representation and to respond to and/or challenge the allegations.

In order to uphold the principles enunciated in 7 a. and b. above, it would therefore be inappropriate for any allegations to be the subject of speculation, innuendo or discussion by staff or others, or for inferences or conclusions to be drawn that may be without objective, proven foundation and are not as a direct result of a properly conducted enquiry.

The exception would apply where non-disclosure of information could pose a risk to the safety of other children or Families SA has advised that disclosure is appropriate.

### **Reasonable Grounds**

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

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- (c) The parents are unable or unwilling to protect the child.

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



A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if one of more of the following applies (although this list is not exclusive):

- a) A child states that they have been physically or sexually abused.
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- c) Someone who knows a child states that the child has been physically or sexually abused.
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- e) Signs of abuse or neglect lead to a belief that the child has been physically or sexually abused.

### **Incident Reporting**

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the Child Protection Officer who will advise the next course of action, including notification of the appropriate child protection service or the police.

Disclosures of abuse or neglect by children and young people must be treated with the utmost care and respect, in line with the recommended practice in the current Responding to Abuse and Neglect training program.

### **Mandated Notifiers**

Staff and volunteers with a legally mandated notification responsibility must notify the relevant Government Department if they form a suspicion on reasonable grounds in the course of their work or in carrying out their official duties that a child/young person has been or is being abused or neglected.

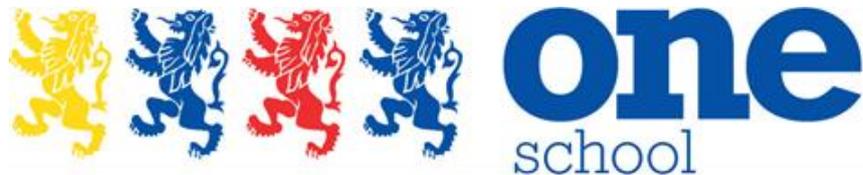
The Child Protection Officer or Head of Campus must report suspected abusive behaviour or misconduct to the Principal and also to relevant external regulatory bodies, including the Police and Families SA through the Child Abuse Report Line.

The specific steps and procedures to follow when making a report are outlined in the Student Protection Policy and Procedures Document.

### **Care and Confidentiality**

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All staff and volunteers have an ethical responsibility to report suspected child abuse and neglect, and should discuss any suspicions or concerns with the Child Protection Officer, the Director of Student Wellbeing, a Head of School or the Principal.

In situations where the Child Protection Officer is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the Head of Campus or the Principal.

## **8. Investigating**

It is not appropriate for a staff member to investigate a potential case of abuse or neglect. On the basis discussed in Section 7: Reporting above, if reasonable grounds are formed staff are to report the information to the Child Protection Officer. The appropriate child protection service or the police will decide whether to conduct an investigation of this report. In this circumstance all employees, contractors or volunteers must co-operate fully with the investigation as per the Criminal Law Consolidation Act 1935. If no investigation is undertaken by the police or child protection services, an internal investigation may be conducted.

Whether or not the authorities decide to conduct an investigation, the Child Protection Officer in conjunction with the Principal will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the Principal may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation. Any such investigation will be conducted according to the rules of natural justice.

The Principal will make every effort to keep any such investigation confidential; however, from time to time other members of staff or other parties may need to be consulted in conjunction with the investigation.

## **9. Employment**

### **Screening and suitability processes**

Child related employment screening relates to all persons who are employees, third party providers, contractors, site users, volunteers (including School Governing Council members), host families or adult residents of the College who are not currently enrolled.

An essential element of a safe learning or care environment is that adults working and volunteering in that environment pose no threat to the wellbeing of children and young people. Screening is the first step in establishing safe environments.



Further details pertaining to the College's employment screening processes are accessible in the Screening and Suitability policy.

### **Training and support for staff and volunteers**

All staff are to complete and maintain Responding to Abuse and Neglect certification requirements associated with their roles within prescribed timelines.

The College supports staff members and volunteers to fulfil their child protection responsibilities, including Mandatory Notification responsibilities, through:

- The provision of Reporting Abuse and Neglect training
- The provision of a Child Protection Officer for advice or support in reporting abuse or neglect.
- Scheduling professional learning opportunities in response to emerging needs

## **10. Responsibilities**

### **Responsibilities of College Staff and Volunteers**

- Provide a physically and psychologically safe environment for children.
- Develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from both harassment and abuse.



- Support children to gain confidence in their identity and develop their capabilities and strengths.
- Provide the skills, knowledge and understanding of personal safety interventions for children.
- Respect the diverse and special needs of children.
- Complete required training and development relevant to child protection.
- Apply point of engagement screening and suitability procedures where relevant to their role.
- Monitor the physical environment and report issues which create an opportunity for abuse to occur.
- Be sensitive and responsive to changes in behaviour which may be indicative of abuse.
- Maintain current and appropriate criminal and other history screening clearances as required.
- Make full and honest disclosure of any relevant matters throughout the period of engagement with Scotch College.
- Maintain familiarity with and adhere to the current version of ***Protective Practices for Staff in their Interactions with Children or Young People***.
- Adhere to the policies outlining the use of personal multimedia devices for recording of photo, audio and video.

### **Responsibilities of the Child Protection Officer**

- Ensure all College personnel understand their obligations and responsibilities as Mandated Notifiers and develop appropriate procedures.
- Provide access to ongoing training and development for staff to enable them to fulfil their key responsibilities.
- Inform and consult with parents and encourage the participation of families in child protection issues.
- Provide ongoing child protection and abuse prevention programs in the College.
- Apply point of engagement screening and suitability procedures where relevant to their role.
- Continuously monitor the suitability of Scotch staff, volunteers and contractors to be working directly or indirectly with children and young people, and respond to information suggesting unsuitability as soon as that information is made available.
- Monitor, evaluate and review child protection and abuse prevention programs.



- Assist staff in their role as advocates for all children in their care.

### **Responsibilities of the Principal**

- Foster and support a whole College approach to the management of child protection.
- Ensure a safe environment for children at Scotch College.
- Provide advice and support for College personnel dealing with issues of child abuse.
- Allocate training resources for personnel to assist in the delivery of professional development programs for Mandated Notifiers.
- Provide current information on child protection issues.
- Encourage College personnel to regularly review their legal obligations under the **Children's Protection Act 1993**
- Ensure staff and volunteers undergo and hold appropriate criminal history screening clearance checks prior to commencement and at three yearly intervals.
- Ensure appropriate adjustments to the physical environment as required to reduce the opportunity for abuse to occur.

## **11. Students Aged 18 Years, enrolled at the College**

As adults, students aged 18 years and above are required to observe the tenets of the **Children's Protection Act 1993**. These students are required to demonstrate a higher duty of care than children. Students in this category possessing a leadership position within the College have the highest level of duty of care to the children enrolled at the College.

Students aged 18 years and over have responsibilities under the **Work Health and Safety Act 2012**. The Act defines the following duties of other persons at a workplace:

- A person at a workplace (Whether or not the person has another duty under this part) must:
  - Take reasonable care for his or her own health and safety; and
  - Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and



- Comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.

Training and support is offered for all Students before they reach 18 years of age. This training, administered annually covers the change in legal obligations once a student becomes and adult in a child safe environment.

## 12. Reviewing

Every year, and following every incident necessitating a report to the Police, a review shall be conducted to assess whether Scotch College's policies or procedures require modification to better protect the children under their care.

## 13. Related Legislation

- Children's Protection Act 1993
- Convention on the Rights of a Child 1990
- Criminal Law Consolidation Act 1935
- Work Health and Safety Act 2012

## 14. Relevant Documents

- Child Safe Environments: Principles of Good Practice (Families SA; Dept for Families and Communities, November 2007)
- Child Safe Environments: Standards for Dealing with Information Obtained about the Criminal History of Employees and Volunteers who work with Children (Families SA; Dept for Families and Communities, November 2007)
- Scotch College Screening and Suitability policy
- Scotch College Student Protection and Procedures policy
- Screening and Criminal History Checks Policy Guidelines: A Framework for Guiding Screening Practice in Education and Care Settings and Children's Services, AISSA, Catholic Education SA)
- Protective Practices for Staff in their Interactions with Children or Young People