



# Child Protection Policy

## 1. INTRODUCTION AND PURPOSE

This document is to inform and remind staff members of St Charbel's College of the standards of behaviour and other requirements that must be adhered to when working with children.

Consistent with its mission and values, and in compliance with its legislative obligations, St Charbel's College strives to ensure children in its care are safe and secure.

This document aims to:

- *clarify the expectations of staff members who work in child related employment*
- *provide a safe and supportive environment for children and staff members*
- *build and maintain a contemporary Catholic workplace that is safe, respectful, professional and legally compliant.*

This document is to be read in conjunction with the St Charbel's College Child Protection Procedure and Code of Conduct. Fact sheets relating to Child Protection issues are sourced from the Ombudsman website to ensure updated facts are being stipulated in procedures used. Website address as follows: <http://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets>.

This document is not exhaustive and does not identify every potential scenario of concern in the workplace.

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## 2. SCOPE

The document applies to all staff members engaged to work in, or provide services to St Charbel's College.

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## 3. DEFINITIONS

“**Staff member**” includes:

paid employees whether employed on a permanent, temporary or casual basis  
religious, volunteers, contractors, sub-contractors, consultants and students on  
tertiary practicum placements

“**Child**” or “**children**” refers to any person under the age of 18 years.

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#### 4. LEGAL FRAMEWORK

Staff members are required to be familiar and comply with child protection legislation as varied from time to time, including but not limited to:

- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Child Protection (Working with Children) Regulation 2013 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Children and Young Persons (Care and Protection) Regulation 2012 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Ombudsman Act 1974 (NSW)*

Failure to comply with the child protection responsibilities and obligations required by legislation or this document will result in disciplinary action being taken, up to and including immediate termination of employment, termination of contractor agreement, notification to external agencies and/or criminal charges.

A staff member who becomes aware of a possible breach of this document or legislation by another staff member must report this to their supervisor. Failure to do so may result in disciplinary action.

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#### 5. RESPONSIBILITIES AND OBLIGATIONS

##### Duty of care

A staff member has a legal obligation to take reasonable care for their own safety and the safety of children and others with whom they come into contact as part of their engagement with St Charbel's College.

These obligations will arise from the specific role and responsibilities of the staff member and may include (but are not limited to) the following:

- providing adequate supervision
- following procedures relating to child safety, welfare and well-being (for example, reporting procedures)
- demonstrating personal behaviours that promote the safety, welfare and well-being of children
- providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a child who is injured or becomes sick
- protecting a child from known hazards that pose a risk of harm and which can be reasonably predicted

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- taking appropriate action where a child's safety, welfare or well-being is at risk.

The standard of care that is required needs to take into consideration various factors, such as a child's maturity, ability and circumstances.

Duty of care to children applies during all activities and functions conducted or arranged by St Charbel's College where children are in the care of staff members.

Staff members must assess and manage the risk associated with any activity before undertaking the activity.

Actual harm to a child, or potential to cause significant harm to a child, caused by:

- (a) a single serious failure to exercise appropriate duty of care; or
- (b) repeated less serious failures to exercise appropriate duty of care,

may constitute misconduct, neglect or negligence and/or a breach of this document.

Staff members should not put themselves in a position that may create a risk of an allegation of a child protection nature. For example, staff members must not:

- (a) transport a child or children in a car alone, except with the prior consent of the child's Parents / Guardian and College Principal or delegate.
- (b) otherwise be alone with a child, unless they are in the view of others and/or there is a reasonable requirement to do so.

### *Professional conduct*

Staff members must act professionally and appropriately when dealing with children and others with whom they come into contact as part of their engagement with St Charbel's College. This includes using appropriate language and tone toward children and others. Rude or insulting behaviour, including verbal aggression; abusive, threatening or derogatory language or conduct; or intimidating words or actions towards children is unacceptable. It is also unacceptable to engage in such conduct towards others in the presence of children.

### *Physical Contact*

Staff members must not engage in inappropriate physical contact with children, or act in ways that may cause a child to reasonably fear that unjustified force will be used against them.

Examples of *inappropriate physical contact* include (but are not limited to):

- intentional and unjustified use of physical force
- throwing an object to gain a child's attention in a hostile way
- restraining a child (unless as part of an approved behaviour management plan)
- pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a child.

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Examples of conduct that involves the *reasonable use of physical contact* for exercising appropriate control over a child include (but are not limited to):

- disarming a child who is at risk of harming themselves or another person
- separating children who are fighting
- reasonable use of physical force for the protection of self or others.

*Discipline*

Staff members must not correct or discipline a child in excess of what is reasonable or appropriate for the situation and the child’s maturity, ability and circumstances. Discipline is excessive if it is a disproportionate response to a child’s behaviour.

Examples of ill-treatment include (but are not limited to):

- locking a child in a cupboard as punishment
- tying a child to a chair
- in a school context - keeping a child on detention during lunch without allowing them to eat or go to the toilet.

*Medication, drugs and other substances*

Staff members must not purchase for, offer, supply, give or administer to children, condone or encourage illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol or tobacco.

**Professional relationships and boundaries**

Staff members must act professionally and appropriately when dealing with children and others with whom they come into contact as part of their engagement with St Charbel’s College. This includes maintaining appropriate professional boundaries with children.

A single serious ‘crossing of the boundaries’ by a staff member, or repeated less serious breaches of professional conduct or exercise of poor judgment in the following areas, may constitute misconduct, sexual misconduct and/or a breach of this document.

*Relationships*

Staff members must not behave in a way that could reasonably be construed as involving an inappropriate relationship with a child or a group of children.

Staff members must not invite children to join their personal electronic social networking site/s or accept children’s invitations to join theirs. They must not attend parties or socialise with children or invite a child to their home or attend a child’s home without an appropriate

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professional reason and without the parents/carers' consent and the consent of the College Principal or delegate.

A staff member who is unsure about the appropriateness of a relationship with a child or a child's family must disclose it to the College Principal.

*Grooming*

Staff members must not engage in grooming behaviour. Grooming behaviour involves a pattern of conduct that is consistent with grooming a child for sexual activity, where there is no other reasonable explanation for it.

Examples of grooming behaviours include:

- persuading a child or group of children that they have a 'special' relationship, for example, by spending inappropriate special time with a child, inappropriately giving gifts or showing special favours to them but not other children, inappropriately allowing the child to overstep rules, or asking the child to keep this relationship to themselves
- Testing boundaries, for example, by undressing in front of a child, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex, or 'accidental' intimate touching
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example, where there was a pre-existing friendship with the child's family or as part of normal social interactions in the community)
- Inappropriate personal communication (including emails, telephone calls, letters, text messages, social media and web forums of a sexual nature).

If there are reasons for a staff member to communicate with children or their families using electronic information and communication technology (ICT) for reasons other than work purposes, it is important to discuss this with and gain the approval of the College Principal or delegate.

*Sexually inappropriate behaviour*

Staff members must not make sexually explicit comments or engage in other sexually overt or implied behaviour towards or in the presence of children. Such behaviour may constitute sexual misconduct.

Examples of sexual behaviours include:

- inappropriate conversations of a sexual nature
- unwarranted and inappropriate touching
- exposure of children to sexual behaviour of others
- watching children undress in circumstances where supervision is not required.

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Staff members must not have an intimate, romantic or sexual relationship with any child who is under their care or supervision regardless of their age. It is irrelevant whether the relationship is consensual, non-consensual, known to or condoned by parents, guardians or caregivers.

Staff members must not commit a sexual offence. This encompasses all criminal offences involving a sexual element that is committed against, with or in the presence of a child.

Extreme care must be taken in any relationship between a staff member and a former child client, even if the child is currently over 18 years of age.

A personal or sexual relationship with a former child client entered into by any staff member may be considered sexual misconduct if it is established that the staff member used his or her position to develop and/or maintain an inappropriate personal or intimate relationship with the child when they were a client of St Charbel’s College.

**Working with children checks**

To comply with legislation, the College will be required to go online to verify the status of a WWCC number for any paid or volunteer staff in child related work. Verification of all WWCCs will be completed by the College Accounts Department. A record of the full name, DOB, WWCC number and date and outcome of verification will be stored electronically by the Accounts Department.

Staff members who are required to have a working with children check and do not have a current clearance, or are barred from working with children, cannot continue to be engaged in child related work. Consequently, their employment or engagement with St Charbel’s College may be terminated.

**Notification and reporting**

To satisfy reporting and notification requirements under the law, including:

- mandatory requirements under the *Children and Young Persons Care and Protection Act 1998*
- reportable conduct requirements under Part 3A of the *Ombudsman Act 1974*
- reporting requirements to the Office of the Children’s Guardian under the *Child Protection (Working with Children) Act 2012*

and in line with St Charbel’s College’s values, staff members are required to notify or report certain matters of concern, including:

- informing St Charbel’s College if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable conduct allegation made against them

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- reporting to St Charbel's College any allegations or convictions of reportable conduct involving any other staff member that they are aware of, or reasonably suspect
- reporting to the College Principal or Head of School any information or concerns about inappropriate behaviour by any staff member that involves a child or children
- reporting to immediate supervisor (Coordinator or Manager) suspected risk of significant harm to a child.

St Charbel's College will then determine if reporting or notification needs to be made to the relevant authority, including the NSW Ombudsman's Office, Office of the Children's Guardian, Family and Community Services and/or the Police. Copies and records of such reports relating to allegations are confidential. Information regarding notifications to the Ombudsman are kept indefinitely and are stored in a secure location separate to the employee's personnel file.

### **Confidentiality**

Staff members must maintain confidentiality in relation to any matters of a child protection nature and only discuss the matter with those required to be notified or reported to. Where a staff member is in doubt as to the requirements of confidentiality, they should seek advice from their manager or College Counsellor.

### **Victimisation**

Staff members must not take detrimental action against a complainant or person who reports information as required by legislation and this document. Such action is unlawful, may be regarded as serious misconduct and may result in disciplinary action, including termination of employment.

### **Record keeping**

A staff member must maintain appropriate records and data in relation to their professional practice in the care and protection of children. Records may include case notes, student/client files and behaviour management plans.

A staff member must keep contemporaneous records of any disclosure, observations and discussions regarding a child protection matter, including any alleged breach of this document.

These records must be kept in a secure location as provided for by St Charbel's College.

The Principal is responsible for security and storage of records. The following persons will have access to the records:

- Principal
- Delegate (if assigned by the Principal and only during the course of the investigation)
- Personal Assistant to the Principal (for filing purposes only).

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## Investigations

Allegations of a child protection nature against a staff member will be investigated and dealt with in line with St Charbel's College's *Managing Conduct and Performance Policy*.

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## 6. FURTHER INFORMATION

Further information about the processes outlined in this document can be sought from the Head of School or Principal.

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## RELATED DOCUMENTS

- Child Protection Procedure
- Code of Conduct
- Managing Conduct and Performance Policy
- Preventing Workplace Discrimination, Harassment and Bullying Policy
- Managing Workplace Complaints Policy
- Managing Workplace Complaints Procedure
- Related Fact Sheets from the Ombudsman website

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