



# Child Safe Policy

## 1. Purpose and Scope

Our Child Safe Policy (*note 1*) outlines the key elements of our approach to child protection as a child safe organisation and sets the tone for Rouse Hill Anglican College's entire Child Safe Program. The Board of the Anglican Schools Corporation is committed to providing for the safety and wellbeing of all children and young people entrusted to our care. This Child Safe Policy has been endorsed by the Board in support of this commitment.

### 1.1 Our Commitment to Child Safety

We want all children and young people who attend Rouse Hill Anglican College to feel and be safe. We are committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to participate in decisions that affect their lives.

We have a zero tolerance for child abuse and are committed to doing what we can to keep students safe from harm.

The College regards its child safeguarding responsibilities with the utmost importance and is committed to providing the resources required to ensure compliance with all relevant child protection laws and regulations and maintaining a child safe culture.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of students is at the forefront of all that they do and every decision that they make. Key responsibilities include:

- Meeting Child Safe Standards (refer Section 2)
- Recognising and reporting where students may be at Risk of Significant Harm (refer Section 3)
- Recognising and reporting where *workers* engage in *reportable conduct* or other inappropriate behaviour (refer Section 4)
- Recognising and reporting where students engage in concerning or harmful sexual behaviour (refer Section 5)
- Maintaining an up to date Working with Children Check clearance (refer Section 6)
- Participating in training as required by the Principal (refer Section 7)
- Educating and involving our students (refer Section 8)
- Involving and informing families and the community (refer Section 9)
- Understanding and managing risks to child safety (refer Section 10)
- Compliance, Monitoring and Continuous Improvement (refer Section 11)

Further information on roles and responsibilities is provided in the roles and responsibilities section of our Child Protection Program.

### 1.1 Application and Scope

The College Child Safe Policy applies to all adults in the College community, including employees, volunteers, contractors, external education providers, parents/carers and other family members. This policy applies in all College environments, both physical and online, and on-site and off-site College grounds (e.g., camps and excursions).

Where the term student is used in this Policy, it is referring to all students enrolled at the College regardless of age. With the exception of headings, words *italicised* in this policy are defined in Section 12.

## 2. Child Safe Standards

The College Child Safe Policy and the broader program of works to implement the Policy (our Child Safe Program) has been developed taking into account the National Principles for Child Safe Organisations developed by the National Office for Child Safety and the NSW Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse and as articulated by the Office of Children's Guardian (OCG). We hold ourselves to account against these standards:

- Child Safety is embedded in organisational leadership, governance and culture.

- Children participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved.
- Equity is upheld and diverse needs are taken into account.
- People working with children are suitable and supported.
- Processes to respond to complaints of child abuse are child focused.
- Employees are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
- Physical and online environments minimise the opportunity for abuse to occur.
- Implementation of the Child Safe Standards is continuously reviewed and improved.
- Policies and procedures document how the organisation is child safe.

### 3. Recognising and Reporting Student Wellbeing Concerns

#### 3.1 Reporting Requirements

All *workers* should immediately report to the Principal or a designated Child Protection Officer (refer Definitions) if they have *reasonable grounds to suspect* that a student is at risk of significant harm or they have any other wellbeing concerns regarding a student. Child Protection Officers must inform the Principal of any report as soon as possible.

Workers are not required to and must not undertake any investigation of the matter.

The Principal/Child Protection Officer will:

Make an assessment to determine whether there are *reasonable grounds to suspect that the child or young person is at risk of significant harm*.

- Make relevant mandatory reports to the Department of Communities and Justice (DCJ) and, if required, the police.
- Determine what action must be taken within the College community to support and protect the student.

The College’s Child Protection Officer(s) are:

| Name          | Position         | Contact No.  |
|---------------|------------------|--------------|
| Brett Hartley | Principal        | 02 8824 5844 |
| David Lee     | Deputy Principal | 02 8824 5844 |

All teachers are *mandatory reporters* under the Child and Young Persons (Care and Protection) Act and some other *workers* may also qualify as *mandatory reporters* under the Act (refer Definitions). *Mandatory reporters* are legally required to make a report if they have *reasonable grounds to suspect* a child (under 16 years of age) is at risk of significant harm. This obligation can be met by making a report to the Principal. Centralised reporting is best practice, enabling a more holistic view of matters related to a student and assuring appropriate action.

However, if the Principal does not agree with the *mandatory reporter’s* view that a child or young person is at Risk of Significant Harm, having worked through the DCJ NSW Mandatory Reporter Guide, and the *mandatory reporter* remains of the view that the *child or young person* is at Risk of Significant Harm, the *mandatory reporter* has a legal duty to make a report to the DCJ.

#### 3.2 Immediate Danger

If there is an immediate danger to the child or young person and the Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior employee (at the College) as soon as possible.

#### 3.3 Risk of Significant Harm

A *child or young person* is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met;

- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
- the child or young person has been, or is at risk of being, *physically or sexually abused* or *ill-treated*;
- the child or young person is living in a household where there have been incidents of *domestic violence* and as a consequence, the child or young person is at risk of serious *physical or psychological harm*;
- a parent or other caregiver has behaved in such a way towards the child or young person, that the child or young person has suffered or is at risk of suffering serious *psychological harm*;
- the child was the subject of a pre-natal report under section 25 of the Children and Young Persons (Care and Protection Act) 1998 (NSW) and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent', is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare or well-being.

The significance can result from a single act or omission or an accumulation of these.

### 3.4 Student Wellbeing Concerns

A *worker* may have a wellbeing concern for a student that does not meet the threshold of 'risk of significant harm' or where the student is not a child or young person. Such concerns must still be reported to the Principal or Child Protection Officer to enable:

- Assessment of concerns in conjunction with other information of which the Principal or Child Protection Officer may be aware; and
- Determining whether the College should take action to support and protect the wellbeing of a student, regardless of whether the risk of significant harm threshold has been met.

### 3.5 Confidentiality and Record Keeping

*Workers* are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominates (such as a Child Protection Officer), and, if required, the DCJ or Police.

*Workers* are not permitted to inform the parents or caregivers that a report to the DCJ has been made.

The Principal will maintain records of all mandatory reports to the DCJ in a secure location.

### 3.6 Related Procedures

To make a report regarding student wellbeing concerns, including Risk of Significant Harm, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

## 4. Recognising and Reporting Reportable Conduct

### 4.1 Reporting Requirements

A *worker* at the College who has any concern about any other *worker* at College engaging in conduct that is considered inappropriate or is *reportable conduct* (refer Section 4.2) must report their concerns to the Principal as soon as possible.

*Workers* must also report immediately to the Principal if they become aware of any allegation of inappropriate conduct or *reportable conduct* in relation to themselves or another *worker* at the College.

The conduct does not have to have occurred at or in the course of the *worker's* work at or for the College.

Where it is uncertain if the conduct is *reportable conduct* but is considered inappropriate behaviour, this must also be reported.

If the concern or allegation involves the Principal the *worker* must report to the Chair of the School Council. If this is not appropriate, the Your Call Disclosure Management Service can be used.

(The Your Call service reporting options include:

- The [Your Call Website](#)
- Telephone 1300 790 228 9am and 12am, recognised business days, AEST;

Online reports can be made via the website address listed above. You will be required to enter the Corporation's unique identifier code: ASC)

*Workers* must also report to the Principal if they become aware that a *worker* has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving *reportable conduct*. This includes information relating to the *worker* themselves.

*Workers* are not required to and must not undertake any investigation of the matter. The Principal, as the Head of Entity under the Children's Guardian Act 2019 must submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse) and then investigate the allegation of *reportable conduct* in accordance with our Reportable Conduct Procedure.

#### 4.2 What is Reportable Conduct

Under the Children's Guardian Act 2019, reportable conduct is defined as:

- A *sexual offence* (with examples including sexual touching of a child; a child grooming offence; and production, dissemination or possession of child abuse material);
- *sexual misconduct*;
- an *assault* against a child;
- *ill-treatment* of a child;
- *neglect* of a child;
- an offence under section 43B (*failure to protect*) or section 316A (*failure to report*) of the Crimes Act 1900; and
- *behaviour that causes significant emotional or psychological harm* to a child.

For the purposes of *reportable conduct*, a child is defined as a person under the age of 18 years. The child or young person does not have to be a student at the College.

*Reportable conduct* does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards; or
- 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 and the result of the investigation has been recorded in accordance with appropriate procedures.

#### 4.3 Inappropriate Behaviour

Behaviour that is not in accordance with the Child Safety Code of Conduct should be reported to the Principal in accordance with Section 4.1. Breaches of the Child Safety Code of Conduct will not always constitute *reportable conduct* and may not result in a report to the OCG but must be reported internally to enable assessment and appropriate action to be taken.

#### 4.4 Confidentiality and Record Keeping

It is important when dealing with allegations of *reportable conduct* that the matter be dealt with as confidentially as possible.

*Workers* who make reports to the Principal regarding concerns of *reportable conduct* or inappropriate behaviour must not discuss these concerns with anyone other than persons nominated by the Principal.

The College requires that all parties maintain confidentiality during any investigation of *reportable conduct* including in relation to the handling and storing of documents and records.

The Principal will maintain records of all reports of *reportable conduct* allegations and the outcomes of *reportable conduct* investigations, in a secure location.

#### 4.5 Related Procedures

To make a report regarding *reportable conduct* or inappropriate behaviour, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

## 5. Recognising and Reporting Harmful or Concerning Sexual Behaviour in Students

### 5.1 Harmful or Concerning Sexual Behaviours

College employees respond to a range of student behaviour as a part of their everyday role at the College. It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

As a general guide:

- Harmful “Red light” sexual behaviours are those that are problematic or harmful, forceful, secretive, compulsive, coercive or degrading. These behaviours signal the need to provide immediate protection and follow up support.
- Concerning “Orange light” sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support.
- Age-appropriate “Green light” sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

### 5.2 Reporting and Response Requirements

All sexual behaviour displayed or disclosed by students, whether it is age-appropriate, concerning, or harmful, requires some level of information, support and a proactive response from the College. Responding to a student with harmful sexual behaviours involves considering the College's duty of care to any student who an alleged victim and to the student who may be exhibiting harmful sexual behaviours.

*Workers* are required to report immediately to the Principal or a designated Child Protection Officer any incident where a student is exhibiting Harmful or Concerning Sexual Behaviour (refer 5.1 above). This may include behaviour outside the College which has the potential to impact on student relationships or wellbeing.

If such behaviour is directed at another student, immediate steps must be taken to protect the other student.

If there is an immediate danger to a child or young person and the Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior employee (at the College) as soon as possible.

The Principal or a designated Child Protection Officer will determine actions to be taken, based on an assessment of the behaviour outlined in 5.1 above, which may include:

- Where the behaviour is directed at another student, reporting the matter to the Police and/or DCJ;
- Plans to support student exhibiting Harmful or Concerning Sexual Behaviours and any students at which behaviour has been directed.
- Whether the behaviour is a result of, or places the student at, risk of abuse or serious harm and a Mandatory Report is required to the DCJ and/or Police (Section 3) - including where the harmful sexual behaviour is not directed at another child or young person, or where the student exhibiting the behaviour is under the age of 10, and there is reason to suspect that the student's behaviour is a result of or places them at risk of abuse or other harm.

### 5.3 Related Procedures

To further understand what student sexual behaviour may be concerning or harmful and making a report regarding concerns, refer to our Recognising and Responding to Sexual Behaviour in Children and Young People Procedure.

Our Student Duty of Care policies and procedures are also relevant, particularly in relation to Student Behaviours.

## 6. Working with Children Check

The Child Protection (Working with Children) Act 2012 (NSW) (the Act) and the Child Protection (Working with Children) Regulation 2013 (NSW) aim to protect children and young people from harm by providing national criminal history check and a review of reported workplace misconduct findings within NSW for people wishing to do paid, unpaid, or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks (WWCCs).

The Act requires any *worker* who engages in *child related work* to have a WWCC clearance. The Anglican Schools Corporation requires all employees and governors of the Corporation (including each of its schools) to have a WWCC clearance as all employees and governors have the potential to have either direct contact with children and/or access to confidential information related to children.

The Corporation also requires contractors and volunteers who attend school sites or school activities (regardless of location) to hold a WWCC clearance even if they do not engage in *child related work*.

## 6.1 Worker Responsibilities

All *workers*, including employees, governors, volunteers and contractors, are required to:

- hold and maintain a valid Working with Children Check clearance from the OCG;
- not engage in child-related work at any time that they are subjected to an interim bar or a bar;
- report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment; and
- notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

It is an offence for a *worker* to engage in *child related work* when they do not hold a WWCC clearance or if they are subject to a bar.

*Workers'* responsibilities are also set out in the Working with Children Check Procedure.

## 6.2 College Responsibilities

It is an offence to engage a *worker* in *child related work* if they do not hold a valid WWCC clearance.

It is the responsibility of the College:

- To undertake an online verification process prior to the engagement of any *worker* to confirm that they hold a current WWCC clearance and are not barred from working with children. For employees, the online verification print out is to be sent to payroll.
- Verify that *workers* have renewed their WWCC clearance prior to expiry.
- Exclude any *worker* who does not hold a current WWCC clearance from *child related work*.
- Notify the Office of the Children's Guardian if a *worker* (including an employee, governor, contractor or volunteer) is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a *reportable conduct* notification. This notification will trigger a risk assessment by the Children's Guardian and a review of the individual's WWCC clearance.

## 6.3 Emergency Use of Contractors without a WWCC

On occasion, circumstances may arise where a new contractor's services are required in an emergency and the available contractor does not have a WWCC clearance.

In this situation, the contractor's services may be utilised, however the contractor must be supervised by employees at all times while they are on the College site if students are present, the period of time for which the contractor is engaged must not be more than 5 consecutive working days, and the engagement of the contractor must be necessary for operational purposes.

## 6.4 Related Procedures

Our Working with Children Check Procedure provides further information to enable compliance with the Policy.

# 7. Child Safe Training and Education

The College will ensure all employees and governors are provided with a copy of this Policy. All new employees and governors will be required to read this Policy and sign the acknowledgement that they have read and understood the Policy prior to commencement of their employment.

All employees at College and all Corporation governors must complete mandatory child protection training at least annually, and any other training, as required by the Principal. The training complements this Policy and provides information to employees about their legal responsibilities related to child protection including:

- Mandatory reporting - including identifying children at risk of significant harm
- Reportable conduct
- Professional boundaries
- Code of conduct.

New employees must complete Child Protection training as part of their induction training - ideally prior to commencement but no later than one month after commencement if approved by the Principal.

Other *workers* who undertake *child related work* must complete Child Protection Training as required by the Principal.

The College will monitor the completion of training and report completion rates to the School Council.

The Principal and designated Child Protection Officers will be provided with additional targeted training.

## 8. Educating and Involving Our Students

It is our Policy that we have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

The College will ensure that students are educated on respectful relationships, their rights and how to speak up and report concerns. This will be achieved by:

- Facilitating developmental age-appropriate conversations about consent, sex and abuse and how adults should behave, including healthy and respectful relationships.
- Ensuring students can raise concerns with the College about safety, abuse or other harm through maintaining accessible student friendly reporting systems throughout the College.
- Regularly communicating and consulting with students.
- Seeking input from students when developing the Child Safe Program.

## 9. Involving and Informing Families and Our Community

The families of our students have primary responsibility for raising their children and we will work with them to take steps to ensure that they are informed about and participate in decisions affecting their children.

The College will make our Statement of Commitment to Child Safety, Child Safe Code of Conduct, and our Complaints Handling Policy available on the College's public website to ensure that they are readily accessible to all members of the Community.

## 10. Risk Management

The College will manage child protection risk through ensuring child protection risks are considered in the design and implementation of policies and procedures that underpin our day-to-day operations (including our recruitment practices), in the planning and conduct of activities and events, and in considering the particular needs and vulnerabilities of our students. Using our Risk Management Framework, risks to student safety will be identified and risk management strategies developed and implemented.

## 11. Compliance Monitoring and Continuous Improvement

The Principal is required to provide an annual statement and other ongoing relevant reporting regarding compliance with, and the effectiveness of, this Policy and the Child Safe Program to the School Council and the Corporation Board.

The Principal is required to report on significant Child Safe related concerns or risks and any significant breaches of this Policy to the School Council and the Corporation Board.

## 12. Definitions and Explanation

| Term  | Meaning  |
|---|--|
| Assault   | <p>(a) The intentional or reckless application of physical force without lawful justification or excuse, or</p> <p>(b) Any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence</p> <p>An assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):</p> <ul style="list-style-type: none"><li>• applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child (actual physical force); or</li><li>• causes a child to apprehend the immediate and unlawful use of physical force against them - such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)</li></ul> |
| Behaviour that causes significant emotional or psychological harm | Behaviour that causes significant <i>emotional or psychological harm</i> to a child is conduct that is intentional or reckless (without reasonable excuse),  |

| Term                     | Meaning  |
|--------------------------|--|
|                          | <p>obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.</p> <p>For an allegation of <i>reportable conduct</i> involving psychological harm, the following elements must be present:</p> <ul style="list-style-type: none"> <li>• An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and</li> <li>• Evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and</li> <li>• An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.</li> </ul>  |
| Child                    | <p>Child is defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is under the age of 16 years. For the mandatory reporting regime, therefore, a Child is under 16 years, and a young person is aged 16 or 17.</p> <p>For the purpose of the Children's Guardian Act reportable conduct scheme, a Child is a person aged under 18 years.</p>  |
| Child Abuse              | <p>Child abuse includes <i>neglect, sexual abuse, physical abuse</i>, and emotional abuse that can lead to serious <i>psychological harm</i>.</p>  |
| Child Protection Officer | <p>Person nominated by the Principal to act as a point of contact for <i>workers</i> and students on child protection matters. Child Protection Officers need to take action when any child protection incidents are reported to them, including immediately informing Principal and providing support to affected members of the College community. Child Protection Officers may also be required to review and monitor the effectiveness of the College's processes and procedures to respond to allegations or disclosures.</p>  |
| Child Related Work       | <p>Under the Act and related Regulation (and of relevance to the College), child-related work is work for, or in connection with, any of the following:</p> <ul style="list-style-type: none"> <li>• mentoring and counselling services for children</li> <li>• direct provision of child health services</li> <li>• disability services for children with a disability</li> <li>• clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children</li> <li>• education and care services, child care centres, nanny services and other child care</li> <li>• sporting, cultural or other entertainment venues used primarily by children and entertainment services for children</li> <li>• justice services, such as detention centres</li> <li>• any religious organisation where children form part of the congregation</li> <li>• private coaching or tuition to children</li> <li>• boarding houses or other residential services for children and overnight camps for children</li> <li>• transport services especially for children, including College bus services and taxi services for children with a disability and supervision of School road crossings</li> </ul> |

| Term                       | Meaning  |
|----------------------------|--|
|                            | <ul style="list-style-type: none"> <li>• a cleaner providing cleaning services at the College is child-related work, and</li> <li>• a <i>worker</i> providing ongoing, counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face-to-face contact, where that contact is a usual part of and more than incidental to the work).</li> </ul> <p>An employer can also require a <i>worker</i> to have a WWCC clearance if they have access to confidential records or information about children, and as such, the Anglican Schools Corporation requires all <i>workers</i> to have a WWCC clearance.</p>  |
| Domestic Violence          | <p>Domestic violence is behaviour towards a family member that may include:</p> <ul style="list-style-type: none"> <li>• physical violence or threats of violence</li> <li>• verbal abuse, including threats</li> <li>• emotional or psychological abuse</li> <li>• sexual abuse</li> <li>• financial and social abuse.</li> </ul>   |
| Failure to Protect Offence | <p>Under section 43B of the Crimes Act 1900 (NSW) - Failure to reduce or remove risk of child becoming victim of child abuse - an adult working in a school (therefore all <i>workers</i>) will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.</p> <p>This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.</p>   |
| Failure to Report Offence  | <p>Under section 316A of the Crimes Act 1900 (NSW) - Concealing a child abuse offence - Any adult will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.</p>   |
| Grooming                   | <p>Definitions of 'grooming', within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the Child Protection (Working with Children) Act, grooming is recognised as a form of sexual misconduct. The Children's Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).</p> <p>In general terms, grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person's compliance, maintaining the child or young person's silence, and avoiding discovery of the sexual abuse.</p> <p>Grooming is often defined as the use of a variety of manipulative and controlling techniques with a vulnerable subject in a range of inter-personal and social settings in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.</p> |
| Ill-treatment              | <p>Of a child, means conduct towards a child that is:</p>  |

| Term                          | Meaning  |
|-------------------------------|--|
|                               | <ul style="list-style-type: none"> <li>• unreasonable; and</li> <li>• seriously inappropriate, improper, inhumane or cruel.</li> </ul> <p>Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.</p>   |
| Mandatory Reporter            | <p>Under section 27 of the Children and Young Persons (Care and Protection) Act 1998, the following persons are required to make mandatory reports:</p> <p>(a) A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children;</p> <p>(b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children;</p> <p>(c) a person in religious ministry, or a person providing religion-based activities to children; and</p> <p>(d) a registered psychologist providing a professional service as a psychologist.</p> |
| Neglect                       | <p>Of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—</p> <p>(a) a person with parental responsibility for the child, or</p> <p>(b) an authorised carer of the child, or</p> <p>(c) an employee, if the child is in the employee’s care</p> <p>Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.</p>  |
| Physical abuse                | <p>Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other person.</p> <p>It includes, but is not limited to, injuries which are caused by:</p> <ul style="list-style-type: none"> <li>• excessive discipline</li> <li>• severe beatings or shakings</li> <li>• cigarette burns</li> <li>• attempted strangulation</li> <li>• female genital mutilation.</li> </ul> <p>Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints.</p>  |
| Psychological Harm            | <p>Refers to a parent or caregiver’s inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. The behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.</p>   |
| Reasonable grounds to suspect | <p>‘Reasonable grounds’ refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:</p>  |

| Term               | Meaning  |
|--------------------|--|
|                    | <ul style="list-style-type: none"> <li>• first-hand observations of the child, young person or family;</li> <li>• what the child, young person, parent or another person has disclosed;</li> <li>• what can reasonably be inferred based on professional training and / or experience.</li> </ul> <p>'Reasonable grounds' does not mean a person is required to confirm their suspicions or have clear proof before making a report.</p>   |
| Reportable conduct | <p>The following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—</p> <p>(a) a <i>sexual offence</i></p> <p>(b) <i>sexual misconduct</i></p> <p>(c) <i>ill-treatment</i> of a child</p> <p>(d) <i>neglect</i> of a child</p> <p>(e) an <i>assault</i> against a child</p> <p>(f) an offence under section 43B (<i>failure to protect offence</i>) or 316A (<i>failure to report offence</i>) of the Crimes Act 1900</p> <p>(g) behaviour that causes significant emotional or psychological harm to a child.</p> <p>Reportable Conduct does not include:</p> <ul style="list-style-type: none"> <li>• conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards; or</li> <li>• 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 and the result of the investigation has been recorded in accordance with appropriate procedures.</li> </ul> |
| Sexual abuse       | <p>Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically or psychologically to make them participate in the activity.</p> <p>Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person</p>  |
| Sexual misconduct  | <p>Conduct with, towards or in the presence of a child that—</p> <p>(a) is sexual in nature, but</p> <p>(b) is not a sexual offence.</p> <p>The Act provides the following (non-exhaustive) examples:</p> <ul style="list-style-type: none"> <li>• descriptions of sexual acts without a legitimate reason to provide the descriptions;</li> <li>• sexual comments, conversations or communications;</li> <li>• comments to a child that express a desire to act in a sexual manner towards the child, or another child.</li> </ul> <p>Note - crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).</p>   |

| Term           | Meaning   |
|----------------|---|
| Sexual offence | <p>An offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:</p> <ul style="list-style-type: none"> <li>• sexual touching of a child;</li> <li>• a child grooming offence;</li> <li>• production, dissemination or possession of child abuse material.</li> </ul> <p>An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.</p>             |
| Student        | Any person enrolled at the College regardless of age.   |
| Worker         | <p>Means any person who is engaged in work in any of the following capacities:</p> <p>(a) as an employee,</p> <p>(b) as a self-employed person or as a contractor or subcontractor,</p> <p>(c) as a volunteer (including governors),</p> <p>(d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),</p> <p>(e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.</p> |
| Young Person   | Defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is aged 16 years or above, but who is under the age of 18 years.   |

### 13. Relevant Legislation

There are seven key pieces of child protection-related legislation applicable to schools in NSW:

- Education Act 1990 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children’s Guardian Act 2019 (NSW)
- Crimes Act 1900 (NSW)
- Civil Liability Act 2002 (NSW).

### 14. Related Policies

- Rouse Hill Anglican College Code of Conduct
- Rouse Hill Anglican College [Parent Code of Conduct](#)
- Complaint Handling Policy
- Child Safe Code of Conduct
- Professional Boundaries Policy
- Privacy Policy
- Reporting of Significant Matters to the Board
- Risk Management Framework
- Whistleblower Policy

## 15. Policy Review and Administration

The Policy shall be reviewed every three years or in the event of any information arising that would demonstrate the need for a review or resulting from any legislative or organisational change that would warrant a review.

| Version             | Approved By | Approval Date   | Effective Date | Next Date | Review |
|---------------------|-------------|---|----------------|-----------|--------|
| 1.1                 | ASC Board   | 22 June 2021  | 22 June 2021   | June 2024 |        |
| Resolution Number   |             | 21/108<br>21/149 (minor revision to section 6.3 approved 24 Aug 2021) |                |           |        |
| Responsible Officer |             | Chief Risk Officer  |                |           |        |
| First Published     |             | 22 June 2021  |                |           |        |

### Notes

Note 1 - Our 'Child Safe Policy' was previously known as our 'Child Protection Policy'.