



# Child Well-Being and Child Protection Policy

23 March 2014

## **POLICY**

Liberty College will provide a safe, welcoming and secure environment so that students can learn and grow academically, socially, physically, emotionally and spiritually and so fulfil our legal responsibilities in relation to Child Protection Legislation.

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### **Who must comply with this document:**

Teaching and Non-Teaching Staff  
Students  
Parents  
Volunteers  
Visitors to the school.

### **Related Documents:**

Mandatory Reporter Guide (MRG)  
Child Wellbeing and Child Protection – NSW Interagency Guidelines

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## **1 Aim**

Liberty College aims to create a safe setting where students can learn, are respected and empowered to achieve their life goals in a supportive Christian environment. Liberty College takes a proactive approach to student wellbeing and values the opportunity to build foundational life lessons and encourage students to reach their full potential.

It is committed to the implementation of procedures for managing child safety and endorses the importance of the NSW Governments five year (2009-14) action plan Keep Them Safe: A shared approach to child wellbeing.

Keep Them Safe's goal is that "all children in NSW are healthy, happy and safe, and grow up belonging in families and communities where they have opportunities to reach their full potential. In particular, Keep Them Safe includes actions to...

*"enhance the universal service system, improve prevention and early intervention services, better protect children at risk, support Aboriginal and Torres Strait Islander children and indigenous families, and strengthen partnerships with non-government organisations in the delivery of community services."*

Liberty College has a duty of care to ensure that all students are provided with the highest level of safety and protection during its hours of operation. Liberty College is dedicated to early intervention and prevention of child abuse in any form.

## **2 Rationale**

Child protection is a shared responsibility. All students have a right to be protected from physical or psychological harm, and to grow and develop in a safe and caring environment.

Child abuse is a global problem that affects all cultures, economic status and genders.

All staff are responsible to care and protect students from any kind of abuse. Early intervention is vital in preventing child abuse. Liberty College provides support to students, families, carers and staff directly with mentoring, consultation with the Principal and the Chaplain.

Liberty College will manage reports of abuse promptly and appropriately.

### 3 Principles

Liberty College is committed to providing a caring, safe and accepting environment for students.

Liberty College believes all children have the right to grow up free from abuse and neglect and as such, is committed to action where concerns are found.

Liberty College aims to act in the most supportive manner possible towards its families, but will always put the safety, welfare and well-being of children and young people first.

All staff are to be aware of the indicators of abuse and neglect of children and young people as outlined in the MRG and the Child Wellbeing and Child Protection – NSW Interagency Guidelines.

Student's parents, volunteers and staff are encouraged to raise any child wellbeing concerns.

All staff are to be made aware of their obligations to advise the Principal of concerns about the safety, welfare and wellbeing of children and young people that arises during the course of their work.

Liberty College encourages the participation of children and young people in decision-making.

### 4 Keep Them Safe Policy Definition

Liberty College adheres to Keep Them Safe policy definitions which are as follows:

- a) Members of the general community who suspect that a child or young person is at risk of significant harm (the new statutory threshold) should report their concerns to the Child Protection Helpline on **132 111**.
- b) This statutory threshold has replaced risk of harm in the *Children and Young Persons (Care and Protection) Act 1998*.
- c) Mandatory reporters should now consult the Mandatory Reporter Guide (MRG).
- d) If significant harm is indicated after following the steps in the MRG, they should contact the Child Protection Helpline on **133627**.

## **5 Legislation**

Liberty College abides by the following legislative requirements:

- a) The Ombudsman Act 1974 (NSW)
- b) Children and Young Persons (Care and Protection) Act 1998 Amendment (Parental Responsibility Contracts) Act 2006 (NSW)
- c) Child Protection (Prohibited Employment) Act 1998
- d) Family Law Act 1975 (Commonwealth)
- e) Commission for Children and Young People Act 1998 (NSW)
- f) Crimes Act 1900 (NSW)
- g) Child Protection (Offenders Registration) Act 2000 (NSW)
- h) Child Protection Legislation Amendment Act 2003: Replacing the term “child abuse” with “reportable conduct”
- i) NSW Government Keep Them Safe plan: Increasing the statutory threshold from children “at risk of harm” to children “at risk of significant harm”
- j) Australia is a signatory to the United Nations Convention on the Rights of the Child (1989)
- k) Keep Them Safe reforms

Liberty College is aware of its responsibility under the Keep Them Safe reforms.

## **6 Definition of Significant Harm**

One of the most important changes is the raising of the mandatory reporting threshold from “risk of harm” to “risk of significant harm”, which commenced 24 January 2010.

*“Significant” is something that is deemed to be sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent. That means, what is significant should not be considered 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 wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.*

## 7 Mandatory Reporters

A mandatory reporter in NSW is an individual required by under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* to...

**“report to the Child Protection Helpline when he/she has reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person’s work.”**

<http://www.sdm.community.nsw.gov.au/mrg/definition/def.html>

Liberty College recognises that all staff, including volunteers, are mandatory reporters and will report matters where a child is at risk of significant harm

Reporting shall be to the Child Protection Helpline on 133 627 after completing the mandatory reporter guide (MRG).

The general public will continue to make reports to the Child Protection Helpline by calling **132 111**.

## 8 Identifying and Responding to Child Abuse

All staff are expected to be aware of the general indicators for child abuse and neglect and their indicators, as well as the process for responding to disclosures. Further detail will be covered in annual staff training.

All staff are required to report cases of suspected risk of significant harm to the Principal who may consult with other staff. A Keep Them Safe Mandatory Reporters Guide (MRG) will be completed and Liberty College will follow the process outlined there to report to the relevant authorities.

The MRG categorises abuse under seven headings which are as follows:

- a) Physical abuse
- b) Neglect: supervision, shelter/environment, food, medical care, mental health care
- c) Sexual abuse: Child, young person, problematic sexual behaviour towards others
- d) Psychological harm
- e) Relishing care
- f) Carer concern: substance abuse, mental health, domestic violence
- g) Unborn child

## **9 Documentation**

All staff and volunteers must document observations, consultations and actions involving potential child abuse or neglect. Staff and volunteers must record all information and observations relating to child abuse. A copy of the record will be stored with the Principal.

An MRG will also be completed, signed, printed, and stored with Principal.

All records must provide factual information, observable indicators and refrain from opinion or conclusions. Recorders must include child's name, date of birth, date, approximate time of any observations or disclosures with exact wording of statements made using indented quotation marks ("example"). Documentation will not include professional judgments and include use of first person singular examples, "I observed ..."

When a notification is made to Community Services the receipt number is kept on the Principal's files as proof the report has been made. Written records will be made of all communication with Police and Community Services.

It is the responsibility of the Principal to ensure that this documentation remains confidential.

## 10 Reporter's Identity

Liberty College is aware that Section 29 of the Act, as outlined in the Child Well-being and Child Protection – NSW interagency Guidelines, prohibits the disclosure of the identity of a reporter, or of any information which might reveal the identity of a reporter, unless:

- a) the reporter has given consent to the disclosure
- b) a court or other body before which proceedings relating to the report are being conducted has granted leave for the disclosure
- c) NSW Police require the identity of the reporter to be disclosed in connection with the investigation of a serious offence alleged to have been committed against a child or young person (see section *Disclosing reporter's identity under Section 248 and Chapter 16A*).

A report made on behalf of a person in a chain of reporting, is afforded protection. Note: If a principal makes a mandatory report on behalf of a teacher and it is clearly specified in the report that the report, is made on behalf of the teacher, the teacher is also protected. The protection applies regardless of whether Community Services assesses the report as meeting, or not meeting, the risk of significant harm threshold. Where a person provides information to a prescribed body under Chapter 16A or section 248, they are not considered to be a reporter, and their identity is not protected by section 29.

When a disclosure of child abuse is made, confidentiality must not be promised and whenever possible the student and/or parents should be involved in the actions that may be taken.

It is recognised that it is good practice to discuss a report with the family, where this does not put a child at further risk. Where a close and supportive relationship exists with the family, concerns may be able to be raised in the form of assisting a family to seek support, and take, with statutory help, the necessary steps to ensure a child's safety. This may be appropriate in cases of neglect, or where there is a clear disclosure of abuse by someone outside the family and the family is believing of the child.

Where a child or young person is disclosing or is suspected of being physically or sexually abused, either within the family, or from an unknown source, this should not be discussed with the family prior to a report, as it may result in pressure being placed on a child not to tell, or further abuse or risk to the child or young person.

If staff are unsure whether to raise their concerns with a family prior to making a mandatory report, they should discuss this with the Principal.



## **11 Aboriginal and Torres Strait Islander Principles**

Liberty College recognises that the Act makes special provisions relating to Aboriginal and Torres Strait Islander children and families (sections 11-14). The Aboriginal and Torres Strait Islander principles focus on self-determination and on participation in decision making. This includes the opportunity to participate in significant decisions that are to be made about an individual child who is Aboriginal in the context of child protection, including the decision to remove a child or young person from the care of their parent or caregiver.

These principles will be upheld by Liberty College with the advice of relevant authorities.

## **12 Exchange of Information**

A shared approach to child protection means greater information sharing between agencies involved in the safety, welfare and well-being of children or young people. Therefore, under information exchange amendments, government agencies and non-government organisations can now share information relevant to the safety, welfare and well-being of a particular child or young person.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* clearly prioritises the safety, welfare, and well-being of a child or young person over an individual's right to privacy. Chapter 16A allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or well-being, whether or not the child or young person is known to Community Services, and whether or not the child or young person consents to the information exchange. Chapter 16A also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. Liberty College is a prescribed body and as such will respond to requests under Section 16A where appropriate. Community Services can also make requests under Section 248 of the Act, and again, Liberty College will comply where appropriate and as required.

All Section 16A or Section 248 requests for information should be directed to the Principal who will consult as required and determine the validity of a request and co-ordinate the Liberty College response. Similarly, should Liberty College wish to use the provisions of Section 16A to seek information from another agency, this should be co-ordinated via the Principal.

## **13 Preventative, Proactive Training Practices and Procedures**

Liberty College acknowledges that given the high abuse rates across the population, it is inevitable that some students will have experienced child abuse and that education of staff can play a significant role in early intervention or prevention.

Prevention practices are vital and Liberty College is committed to staff child protection awareness training and will provide this training annually. All staff who have direct contact with students are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations through this Policy. This includes teaching and ancillary staff, volunteers, outside tutors and external providers.

The explanation and implementation of this policy and procedures shall form part of the process of inducting new staff into the school, prior to commencing their duties. Training will be delivered either internally or facilitated through an external provider. A log of staff that have participated in child protection training will be kept. Throughout the year relevant information will be forwarded to staff electronically, as available, to ensure they are up to date.

## **14 Staff Conduct**

Students learn through example and role modelling which assist in teaching children about protective behaviours. Staff, carers, students and volunteers are role models.

Liberty College staff are encouraged to witness within the community with the nine visible attributes of Christian life, according to Galatians 5:22-23 “love, joy, peace, forbearance, kindness, goodness, faithfulness, gentleness and self-control”.

## **15 Reportable Conduct Under the Ombudsman Act 1974**

Under the Ombudsman Act, some matters of abuse may be reportable to the Ombudsman as well as the Department of Family and Community Services (Community Services). This will most likely be where a staff member or volunteer was involved in the abuse.

Under the Ombudsman Act, reportable conduct refers to the following:

- a) Any 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 (within the meaning of Division 15A of Part 3 of the Crimes Act 1900)
- b) Any assault, ill treatment or neglect of a child
- c) Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child

Reportable conduct does not extend to the following:

- a) Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards
- b) The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures
- c) Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA. <http://www.sdm.community.nsw.gov.au/mrg/definition/def.html>

## **16 Age of Consent Laws**

Liberty College recognises, that as of June 2012 according to criminal law in Australia, the age of consent, which refers to the age a person is considered to be capable of legally giving informed consent to sexual acts with another person, was 16 years. When a person engages in sexual behaviour with someone below the age of consent, they are committing a criminal offence.

Under the Crimes Act 1900 (Section 66c) the NSW age of consent for sexual interactions is 16 years. <http://www.aifs.gov.au/cfca/pubs/factsheets/a142090/index.html>

## **17 The Family Law Act 1975 (Commonwealth Act)**

If there is a Family Court Order or an Apprehended Domestic Violence Order operating at the time of a student commencement, or taken out while they are enrolled, this is to be placed in the student's school file.

Relevant key staff, as determined by the Principal, will be advised of the details of the Order. Liberty College acknowledges that Division 11 of this Act states that...

*“these orders are to ensure parents can “spend time with children, do not expose people to family violence, and are respecting a child's right to spend time with a parent or other person.”*  
[http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Initiatives/FV/FCOA\\_fvOrders](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Initiatives/FV/FCOA_fvOrders)

Liberty College does not act as a mediator in legal matters of child access merely abiding by The Family Law Act 1975.

This may include denying access to students where a parent is not named as the residential carer.

Parents are encouraged to inform that school of any Family Court Order or Apprehended Domestic Violence Orders to ensure records are kept up to date.

## **18 Response to Media Enquiries**

If the media becomes aware of a situation of abuse or neglect, be it within the family, against a staff member, or any other circumstances, all enquiries must be directed to the Principal. Staff members and volunteers are not to answer or make any comment to the media without prior permission by the school.

## **19 Policy Review**

This policy will be reviewed annually by the Principal for currency and relevance.

Liberty College recognises that a small number of Keep Them Safe provisions will be proclaimed over time and adjustments to this policy will be made where appropriate.

## **20 Staff Dismissal**

There may be times when the school's Christian witness is significantly damaged by a teacher's actions, pertinent to the Child Protection area, which may or may not be seen as worthy of a conviction under the law. At these times, the Principal and Board Chairman would investigate the matter and, if they reasonably conclude that it is necessary, would discipline the staff member involved. This discipline could extend to the staff member's dismissal by Liberty Church Inc.

Any staff member convicted of an offence in court may be dismissed by the school authority. The authority will implement any finding directed by the Working with Children Check.

In all cases the Liberty Church Inc. Board will ensure that a fair process of investigation had been followed, and that an appropriate appeal process if followed.

## **21 References**

Australian Government Australian Institute of Family Studies Child Family Community Australia <http://www.aifs.gov.au/cfca/pubs/factsheets/a143428/index.html>

NSW Government Family and Community Services Community Services [http://www.community.nsw.gov.au/welcome\\_to\\_docs\\_website.html](http://www.community.nsw.gov.au/welcome_to_docs_website.html)

NIV Bible <http://www.biblegateway.com/passage/>

Keep them safe reforms <http://www.keepthemsafe.nsw.gov.au/>

Child Wellbeing and Child Protection – NSW Interagency Guidelines [http://www.community.nsw.gov.au/cts/guidelines/info\\_exchange/introduction.htm](http://www.community.nsw.gov.au/cts/guidelines/info_exchange/introduction.htm)

Unicef <http://www.unicef.org.au>

## **22 Acknowledgements**

We wish to acknowledge that some of this material was provided by Green Point Christian College and Medowie Christian School.