

Child Protection Policy



Launceston
Grammar

PART A – INTRODUCTION

1. PURPOSE OF THE POLICY

The purpose of the Launceston Church Grammar School Child Protection Policy ('the Policy') is to provide written processes about the appropriate conduct of staff, volunteers and students at Launceston Church Grammar School ('the School') that accord with and are bound to both Federal and State child protection legislation and principles established through common law.

In Tasmania, the protection of children and young people is covered by the *Children, Young Persons and their Families Act 1997*. In August 2009, amendments were made to the Act.

Contents

Part A – Introduction.....	1
1. Purpose of the Policy	1
2. Scope of Policy	3
3. Definitions	3
Part B – Holistic Approach To Well-Being And Pastoral Care	9
Part C – Principles And Guidelines	10
1. Access To Policy	10
2. Staff Employment	10
3. Volunteers.....	10
4. Training	10
5. Awareness of Inappropriate Behaviour/Harm	11
6. Principles.....	11
7. Guidelines.....	12
(A) Risk Management	12
(B) Natural Justice	12
(C) Process.....	12
(D) Confidentiality	13
(E) Criminal Law	13
(F) Defamation	13
(G) Promptness.....	13
(H) Protection	13

(I) Support	13
(J) Initial Disclosure.....	14
(K) Teachers.....	14
(L) Public Relations.....	14
(M) Police Action	14
(N) Insurer.....	14
(O) Publication	14
(P) Review.....	15
Part D - The Role Of The Head Of School.....	15
Part E – Dealing With Allegations Of Abuse/Harm	17
1. Suspicion Of Abuse/Harm	17
2. When A Disclosure Is Made	18
Mandatory Reporting.....	18
3. INVESTIGATIONS	18
Part F – Procedures For Reporting Abuse/Harm	19
1. Scope.....	19
2. Meaning Of “At Risk”	20
3. Reporting Procedure	21
4. Evidence	21
5. Confidentiality.....	22
6. SUPPORT FOR THE STUDENT	22
Part G – Procedures For Dealing With Complaints From Adults Of Sexual Abuse Whilst Attending The School.....	22
Part H - Preventing Harm To Students From People Outside The School	22
1. Indicators of Harm	23
Part I – References	26
APPENDIX – Child Protection Response Flowchart.....	27
Document Control.....	27

2. SCOPE OF POLICY

This policy applies to all staff, volunteers and students at the School.

3. DEFINITIONS

In this Policy, unless the context otherwise requires, the following terms have the following meanings:

Abuse means:

- (A) Sexual abuse; or
- (B) Physical or emotionally injury or other abuse, or neglect, to the extent that:
 - (i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or
 - (ii) the injured, abused or neglected person's physical or psychological development is in jeopardy (section 4 of the *Children, Young Persons and their Families Act 1997*).

Abuse in relation to a Child means (section 4 of the Family Law Act 1975):

- (A) an assault, including a sexual assault, of the child; or
- (B) a person (the first person) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is unequal power in the relationship between the child and the first person; or
- (C) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence; or
- (D) serious neglect of the child.

Abused has a corresponding meaning to Abuse.

Bullying means repeated behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

- (A) making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- (B) communicating in an abusive manner;

- (C) spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- (D) dismissing or minimising someone's legitimate concerns or needs;
- (E) ignoring, or excluding someone from information or activities;
- (F) touching someone threateningly or inappropriately;
- (G) invading someone's personal space or interfering with their personal property;
- (H) teasing, or making someone the brunt of pranks or practical jokes;
- (I) displaying or distributing written or visual material that degrades or offends.

Behaviour which is not bullying includes:

- (A) respectfully disagreeing with or criticising someone's beliefs or opinions;
- (B) setting reasonable performance goals, standards or deadlines;
- (C) giving reasonable directives, feedback or assessments of performance or behaviour;
- (D) taking legitimate disciplinary action.

Child means a person who has not attained the age of 18 years;

Child Exploitation Material means material that describes or depicts a person who is or who appears to be a child:

- (A) engaged in sexual activity; or
- (B) in a sexual context; or
- (C) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive.
Child exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

Child Pornography means sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.

Child Protection Agency Official means a person authorised by the Children, Young Persons and their Families Act 1997 to act with respect to allegations of any allegation of Harm, Abuse or Neglect under the Act.

Emotional Abuse means acts or omissions that have caused, or could cause emotional Harm or lead to serious behavioural or cognitive disorders. It includes:

- (A) subjecting a person to excessive and repeated personal criticism;
- (B) ridiculing a person, including the use of insulting or derogatory terms to refer to them;

- (C) threatening or intimidating a person;
- (D) ignoring a person openly and pointedly; and
- (E) behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

Freedom of Information Request means a request for information under the Right to Information Act 2009.

Grooming means the manipulative cultivation of a relationship in order to initiate or hide sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also the child's parents or guardians, teachers, clergy and church workers.

Harm is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the Harm is caused. Harm can be caused by:

- (A) Physical, psychological, emotional or neglect;
- (B) Sexual abuse or exploitation.

Harassment means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- (A) making unwelcome physical contact with a person;
- (B) making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- (C) making unjustified or unnecessary comments about a person's capacities or attributes;
- (D) putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- (E) making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- (F) stalking a person (unwanted or obsessive attention by an individual or group towards another person).

Head of School means the Headmaster, Principal, Headmistress or Head of School's delegate.

Neglect means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of:

- (A) food;
- (B) clothing;
- (C) shelter;

- (D) hygiene;
- (E) education;
- (F) supervision and safety;
- (G) attachment to and affection from adults; and
- (H) medical care.

Offensive Language includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

Paedophilia means (a) offences of a sexual nature committed in relation to children; or (b) offences relating to obscene material depicting children.

Physical Abuse means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

Prohibited Material means:

- (A) publications, films, video clips, computer games etc that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- (B) any other images or sounds not subject to classification by the Office of Film and Literature Classification that are considered with good reason within the School community to be unsuitable for a child to see or hear; and
- (C) any substance or product who supply to or use by children is prohibited by law, such as alcohol, tobacco products, illegal drugs and gambling products.

Prohibited Substance means any substance banned or prohibited by law for use or consumption by adults.

Restricted Material means:

- (A) publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- (B) any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

School Board means that body charged with management of “Launceston Church of England Grammar School” by virtue of Section 7 of the Christ College Act 1926.

Sexual Abuse includes sexual behaviour involving the relevant person and another person in the following circumstances:

- (A) The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- (B) The relevant person has less power than the other person;
- (C) There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Sexual abuse of a Child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- (A) exposing oneself indecently to a child;
- (B) having vaginal or anal intercourse with a child;
- (C) penetrating a child's vagina or anus with an object or any body part;
- (D) sexually touching or fondling a child;
- (E) kissing, touching, holding or fondling a child in a sexual manner;
- (F) staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- (G) making any gesture or action of a sexual nature in a child's presence;
- (H) making sexual references or innuendo in a child's presence using any form of communication;
- (I) discussing or inquiring about personal matters of a sexual nature with a child;
- (J) exposing a child to any form of sexually explicit or suggestive material;
- (K) forcing a child to sexually touch or fondle another person;
- (L) forcing a child to perform oral sex;
- (M) forcing a child either to masturbate self or others, or to watch others masturbate; and
- (N) forcing a child to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- (A) sex education with the prior consent of a parent or guardian;
- (B) age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

Sexual Assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- (A) having vaginal or anal intercourse with a person without their consent;
- (B) penetrating another person's vagina or anus with an object or any body part without that person's consent;
- (C) sexually touching and fondling a person without their consent;
- (D) kissing another person without their consent;
- (E) holding another person in a sexual manner without their consent;
- (F) forcing a person to sexually touch or fondle another person; and
- (G) forcing a person to perform oral sex.

Sexual Exploitation refers to any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

Sexual Harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- (A) asking a person for sex;
- (B) giving a person to understand that you would like sexual favours from them;
- (C) making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- (D) making jokes containing sexual references or innuendo using any form of communication;
- (E) exposing a person to any form of sexually explicit or suggestive material;
- (F) making unwelcome physical contact such as touching, pinching, or patting;
- (G) making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- (H) deliberately intruding on an individual's personal space;
- (I) staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- (J) stalking a person.

Staff includes employees (for example teachers, administration people and grounds staff) and volunteers (for example sports coaches) who is providing any form of service to the School.

Student is any person, regardless of age, who is enrolled at the School, or students from other schools participating in Co-op classes; students in visiting sports teams/activities; visiting students staying in the School boarding house.

Working with Vulnerable People check means the requirement for an employer or volunteer body to check the status of a person who may be working with Vulnerable People under the Registration to Work with Vulnerable People Act 2013 (Tasmania).

Young Person means a person who is 16 or 17 years old.

PART B – HOLISTIC APPROACH TO WELL-BEING AND PASTORAL CARE

The care of Students and attention to their well-being can never be time or situation specific. It is understood that in every classroom, on every sporting field, and during every activity a supportive and caring culture is fostered and all opportunities presented are used to enhance a student's resilience, build their connectedness and develop in them the virtues of good character. The most important things a Student learns at school may be intangible; they learn them more often than not indirectly – and as often outside as in the classroom.

The quality of the relationships between students and between Staff and Students is paramount to the delivery of the pastoral care that cultivates the qualities of good character. The House system (Senior Campus), complemented by the effective delivery of the School's pastoral care programme plays a significant role in establishing and nurturing supportive and caring relationships throughout the Senior Campus. The Junior Campus 'We are' statements including responsibility, resilience and respectfulness underpin all aspects of School life.

Research into resilience has its origins in the observation that many people, despite having been exposed to extremely adverse circumstances, maintain high levels of functioning. This led researchers to not only try to identify those factors that increase risk, likelihood and severity of disorders in people, but also attempt to identify those factors that are protective. Protective factors are those that lessen the risk of a person developing a disorder when exposed to adverse circumstances.

A sense of connectedness to school can be the most significant protective factor for young people. Schools can enhance belonging and self-worth (connectedness) when they build caring relationships – offering support, compassion and trust; set high and achievable expectations – offering respect, guidance, affirmation and acknowledgement, building on strengths of each person; and provide opportunities for participation and contribution – responsibilities, decision-making opportunities, building ownership, interaction and fun.

PART C – PRINCIPLES AND GUIDELINES

1. ACCESS TO POLICY

All Staff are to have access to an electronic copy of the Policy and have access to ongoing professional development in the area of child protection and prevention of harm.

2. STAFF EMPLOYMENT

Staff must be carefully selected and screened. Prior to staff commencing employment at the School the following precautions will be taken:

- (A) All Staff will complete an application form which requests details of relevant past experience, positions held, details of two referees and permission to contact them.
- (B) Referees will be checked and spoken to, using an agreed set of questions which are drafted from time to time by the interviewing panel. The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
- (C) Short listed Staff will be interviewed by the Head of School or his appointee prior to being accepted as a staff member.
- (D) A Working with Children Check which complies with the legislative requirements of Tasmania (Registration to Work with Vulnerable People Act 2013) will be requested and received prior to staff appointment as part of the recruiting process unless exempt under the legislation.
- (E) Where the Working with Children Check has been declined, a person cannot be considered for any position at the School.
- (F) Teacher applicants must obtain a Teachers Registration Board ('TRB') registration check.

3. VOLUNTEERS

- (A) A Working with Children Check which complies with the Registration to Work with Vulnerable People Act 2013 will be requested and received prior to volunteer commencement unless exempt under the legislation.
- (B) Volunteers are expected to have an awareness of the content of the Policy and must work within them. This is the responsibility of the person engaging the volunteer (refer to the LCGS Volunteer Policy).

4. TRAINING

- (A) All Staff and volunteers will be issued with a copy of the Policy and training in the content and application of the Policy, reporting procedures and associated legal requirements.

- (B) The Dean of Staff (Senior Campus) and the Head of the Junior Campus will ensure that the contents of the Policy will be explained to any new member of the teaching staff and relief staff. The Heads of Campus (or nominated appointee e.g. HR) will ensure the information is explained to general staff, outside sports coaches and any other volunteers assisting the School.

5. AWARENESS OF INAPPROPRIATE BEHAVIOUR/HARM

In the first instance, Staff who become aware of inappropriate behaviour or Harm are to refer to the Policy and seek the assistance of the Pastoral Dean, Head of Campus, Deputy Head of School or Head of School in relation to the mandatory reporting requirements.

In the instance that the allegation of inappropriate behaviour or Harm is made against the Head of School, Staff should refer to the Policy and seek the assistance of the Pastoral Dean or Head of Campus.

6. PRINCIPLES

The School will uphold the following principles under this Policy:

- (A) Staff members, contractors and volunteers at the School are expected to reflect the highest standards of care in their behaviour towards and relationships with Students.
- (B) Protecting Students from Harm and the risk of Harm is fundamental to maximising their personal and academic potential.
- (C) The School recognises that people who are subjected to abuse are harmed by it.
- (D) The welfare and best interests of any Child at the School will always be of primary consideration.
- (E) All Staff must ensure that their behaviour towards, and relationships with, Students reflect proper standards of care for Students and are not unlawful.
- (F) The School expects Students to show respect to members of Staff and volunteers, and to comply with safe practices.
- (G) Sexual acts by adult Staff or volunteers with a Student who is a child will always be sexual abuse.
- (H) Because of the imbalance of power that exists between an adult and a Student, a Student cannot “consent” to abuse.
- (I) Staff of the School must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a Student.
- (J) The School will respond to reporting of suspected or actual Harm, or risk of Harm to a Student.
- (K) The School will ensure that the reporting process is conducted in such a manner as to maintain the Child’s dignity.

- (L) The School will act fairly and reasonably towards Staff or volunteers who are the subject of allegations of improper conduct.
- (M) Anybody within the School who becomes aware of or reasonably suspects that a Student is being harmed, must report the Harm or suspected Harm.
- (N) The School will take disciplinary action against Staff or volunteers who Harm Students – where Harm has been proven.
- (O) The School will not permit people to work in a position if, on the basis of all information available, the School believes the allegations against them were wholly or partly true and there would be an unacceptable risk that others might be harmed.
- (P) The School will cooperate with state authorities in investigating allegations of harm.
- (Q) Persons receiving information about Abuse or suspected Abuse should explain to the informant that the information supplied will be:
 - (i) confidential, to the extent that this is possible given the need to investigate allegations and requirements of the law, and
 - (ii) victimisation of the informant will not be tolerated.

7. GUIDELINES

In complying with these principles, the School will be guided by the following:

(A) RISK MANAGEMENT

For the protection of both Staff and Students, wherever practical, meetings between Students and Staff should occur in a room with the door open, (unless both the Staff member and the Student are clearly visible from the outside, e.g. by means of a pane of glass).

(B) NATURAL JUSTICE

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- (i) That those making a decision are not biased; and
- (ii) That nobody should be condemned before they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

(C) PROCESS

It is important to make the lodging of a complaint easy.

(D) CONFIDENTIALITY

Each person who has access to information regarding suspected or disclosed Harm has an obligation to observe appropriate confidentiality. The School is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. Investigating authorities can request documentary evidence in the course of conducting an investigating a mandatory report.

(E) CRIMINAL LAW

Any allegations of criminal misconduct will be referred to the police. The Head of School must refer all allegations of Paedophilia to the police, including those from the past.

In the instance that the allegation is made against the Head of School, the Deputy Head of School will make the referral to the Police.

(F) DEFAMATION

A person providing information about Harm, Abuse or Neglect, in good faith and to a person who needs to know that information, is generally excused from liability for defamation.

(G) PROMPTNESS

All steps under the Policy should be carried out with due diligence without unnecessary delay. The School will keep the person who lodged the complaint and the person against whom the complaint is made, informed of the process.

(H) PROTECTION

The Head of School will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:

- (i) Ensure that each Staff member understands and fulfils their obligations under the Policy.
- (ii) Ensure that Staff and volunteers who have contact with Children have a current Working with Children Check which complies with the legislative requirements of Tasmania unless exempt under the legislation.
- (iii) Ensure that Teachers are registered with the TRB in Tasmania.

In the instance that the allegation is made against the Head of School, the complaint will be referred to the Head of Campus.

(I) SUPPORT

The School will provide support for someone who has suffered Abuse by providing professional counselling if it is requested, even if any allegation is not yet proved or disproved. The School will support the respondent to a complaint with professional counselling until the matter has been resolved.

(J) INITIAL DISCLOSURE

In the event of a student disclosing a case of alleged harm it is recommended that the respondent follow Mandatory Reporting procedures and report to the Pastoral Dean, Head of Campus, Deputy Head of School or Head of School.

(K) TEACHERS

If a respondent to an allegation is a registered teacher, the School will give notification to the TRB, if required to do so under the Teachers Registration Act 2000.

(L) PUBLIC RELATIONS

The Head of School will ensure that the School is able to react quickly to allegations of Harm so that accurate and relevant information is available for Staff, Students and their families, and for the media where necessary.

In the instance that the allegation is made against the Head of School, the Head of Campus will ensure that the required public relations considerations are actioned.

(M) POLICE ACTION

It will usually be necessary to wait until the police have decided whether to charge the respondent to an allegation before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Head of School from seeking advice from police regarding the duty of care to existing Students, which may involve the standing down of a staff member during an investigation. The police are not required to inform the School about their investigation. Some of their materials may be acquired under a Freedom of Information Request when their work on the case is finished.

(N) INSURER

The School will keep its insurer informed about developments.

(O) PUBLICATION

The Head of School will ensure that this policy is published:

- (i) on the School website;
- (ii) in GO247 Sharepoint;
- (iii) in the Staff Handbook;
- (iv) to staff members generally, at least once each year;
- (v) to each new staff member, on induction;
- (vi) by reference to it in the school newsletter, at least twice each year;

- (vii) by permanent display on at least one notice board on both Campuses;
- (viii) the Head of School is responsible for ensuring the policy is delivered verbally to the Senior Campus and Junior Campus students at least once each year.

The Head of School will ensure that a copy of the Policy is always available on request from the School's administration.

(P) REVIEW

The School will ensure that the Policy is reviewed at least once every two years.

PART D - THE ROLE OF THE HEAD OF SCHOOL

The Head of School (or Deputy Head of School) will not, under any circumstances, caution the alleged victim as to the possible consequences of reporting Abuse (e.g. possible break-up of the family unit), especially if the alleged abuser is a family member.

1. On receipt of a report of Abuse other than the suspected Sexual Abuse of a Student by a Staff member referred to in paragraph 3, the Head of School (or Deputy Head of School) will carry out a preliminary assessment to determine whether that Head of School (or Deputy Head of School) reasonably suspects the Abuse has occurred.
2. There will be two representatives of the School present at interviews, where practical. In all meetings notes including information of who was present, the date, time (start and end) and location of the meeting must be recorded. Where the claimant is a student, only initials are to be recorded rather than full name.
3. If the Head of School (or Deputy Head of School) receives a report from a Staff member about Sexual Abuse or suspected Sexual Abuse by another person of any student the Head of School (or Deputy Head of School) will immediately provide a copy of the report to the police and will also give a copy of the report to the Board. The Head of School (or Deputy Head of School) must, upon becoming aware of all allegations of Paedophilia, immediately refer that allegation in writing to the Police.
4. The Head of School (or Deputy Head of School) will support the child by:
 - (A) offering pastoral support;
 - (B) offering to arrange professional counselling, if circumstances warrant it, even if any allegation is not yet proved or disproved;
 - (C) treating the child with respect and dignity;
 - (D) being sensitive to the child's needs, feelings and concerns; and
 - (E) maintaining confidentiality, to the degree possible in the circumstances.

Where the complainant is a member of staff, support options are provided by the Human Resources Department. Where the complainant is any person other than staff or a child, support options are provided by the Head of School.

5. The Head of School (or Deputy Head of School) will contact the Child's parents, inform them of the allegations and explain how the Head of School (or Deputy Head of School) intends to proceed, except where the suspected Harm is from people outside the School, in which event the responsibility for informing parents/caregivers rests with the investigating Child Protection Agency Official.
6. The Head of School (or Deputy Head of School) will inform the respondent of the allegations and:
 - if the respondent is a member of the School community, offer pastoral support;
 - treat the respondent with respect and dignity;
 - arrange for professional counselling until the matter has been resolved.
7. The Head of School (or Deputy Head of School) will stand down any member of Staff if there is an unacceptable risk in leaving the member of Staff in their position.
8. The Head of School (or Deputy Head of School) will suspend the enrolment of any Student who is a respondent, if there is an unacceptable risk in permitting the Student to attend the School.
9. When a prosecution relating to the information is completed or if there is no prosecution, the Head of School will investigate the information to determine whether:
 - redress should be offered to the Child;
 - disciplinary action should be taken.

The Head of School (or Deputy Head of School) may involve independent professionals in the investigation.

10. If the Head of School (or Deputy Head of School) believes disciplinary action should be taken against the respondent, the Head of School will initiate that action and ensure that the principles of natural justice are observed.
11. Notifications to the TRB
 - (A) A person, on behalf of the Head of School, or the Head of School (or Deputy Head of School), who investigates an allegation of Harm caused or likely to be caused to a Child because of the conduct of a teacher must, as soon as practicable after the investigation starts, inform the TRB of the investigation, including the following details:
 - (i) The names of the Head of School, the School and the relevant teacher; and
 - (ii) Particulars of the allegation, including the date the investigation commenced and other relevant information.

- (B) If the investigation ends for any reason, the Head of School (or Deputy Head of School) must provide to the TRB, in addition to the details required in sub-section (A) above, the date the investigation ended, the findings of the investigation, the outcome and any reasons for the outcome and, if relevant, the Head of School's (or Deputy Head of School's) decision and reasons for the decision.
12. The Head of School (or Deputy Head of School) will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:
- (A) Ensure that each Staff member understands and fulfils their obligations under the Policy;
 - (B) Ensure that each employee and volunteer who has contact with a Child has a current Working with Children Check which complies with the legislative requirements of Tasmania unless exempt under the legislation.
 - (C) Ensure that each teaching staff member is registered with the TRB in Tasmania.

PART E – DEALING WITH ALLEGATIONS OF ABUSE/HARM

1. SUSPICION OF ABUSE/HARM

Reasonable grounds for suspecting Abuse and/or Harm exist if:

- (A) A Child or Young Person reports that they have been Abused/Harmed;
- (B) Someone else, for example another Child, a parent, or a Staff member, reports that Abuse/Harm has occurred or is likely to occur;
- (C) A Child or Young Person reports that they know of someone who has been Abused/Harmed (it is possible that they may be referring to themselves);
- (D) Significant changes in the behaviour of a Child or young person, or the presence of new unexplained and suspicious injuries are a concern;
- (E) The Abuse/Harm is observed happening

Any disclosure of Abuse/Harm is important and must be acted upon, regardless of whether:

- (A) The Abuse/Harm to a child or Young Person has been caused by a person within or outside the School, or
- (B) The child or Young Person disclosing the abuse/Harm is from within or outside the School

It is crucial to have procedures in place so that any disclosure is dealt with efficiently and effectively.

2. WHEN A DISCLOSURE IS MADE

MANDATORY REPORTING

- (A) Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of Child Abuse, under the *Children, Young Persons and their Families Act 1997*. This includes, but is not limited to, the following groups:
- (i) Child Care providers;
 - (ii) Psychologists;
 - (iii) Registered medical practitioners and nurses;
 - (iv) School principals and teachers;
 - (v) Volunteers and employees of any organisation that provides health, welfare, education, care or residential services which receive government funding.

3. INVESTIGATIONS

- (A) **No investigation of allegations of Harm should be undertaken by the School.**
- (B) Questions should be limited to those asked as to confirm the need to report the matter to the Police, or in the case of the School the Department of Health and Human Services - Child Protection Services. The safety of the Child or Young Person is paramount. Unnecessary questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.
- (C) In the first instance, reports by the School of suspected Child Abuse should be made to the Department of Health and Human Services - Child Protection Services. **Child Protection Services, please ring 1300 737 639 at any time.**
- (D) A report should also be made to the Head of School or Head of Campus.
- (E) The School will not:
- (i) Conduct its own investigation to substantiate claims
 - (ii) Hold its own internal hearing, or
 - (iii) Attempt to mediate a settlement of the matter instead of notifying relevant authorities
- (F) Investigations conducted by the School could lead to:
- (i) The destruction of evidence by an accused person;
 - (ii) Intimidation of the person disclosing the information or;

- (iii) Intimidation of the child or Young Person being harmed (if the disclosure was made by someone else).

NB: When a report is made to the DHHS or Tasmania Police, reporting details are kept confidential and the identity of the reporter is strictly protected.

In summary the following actions should be undertaken in any cases where it is known or suspected on reasonable grounds that a Child is or has been subjected to Abuse/Harm:

1. Record details of the allegations. Be careful not to taint the evidence of the Student or the respondent.
2. Mandatory report to authorities: see *Procedures for Reporting Harm*.
3. Provide details of the allegations to the respondent.
4. If there is unacceptable risk, the respondent will be stood down. In extreme cases, they will be dismissed.
5. Offer counselling to the Student and the respondent.
6. Inform the Student's parents.
7. Inform the School Board.
8. Inform the School's insurers via the Business Manager.
9. If the allegations have been reported to police, no further action is taken by the school until such time as the Police have completed their processes and the outcome of those processes have been conveyed to the school. Possible Police outcomes include charges being laid or no further action.
10. Attend to public relations (after discussion with Senior Management team).
11. Take disciplinary action against the respondent if the circumstances require it.
12. Keep the Student and the respondent informed as the matter proceeds.

Refer to the Appendix for a visual representation of the response process.

PART F – PROCEDURES FOR REPORTING ABUSE/HARM

1. SCOPE

This Part applies to:

- (A) Abuse/Harm of any Child enrolled at the School or Children visiting the School at the time the Harm was caused; and
- (B) behaviour of a Staff member that a Student considers is inappropriate.

Where an employee has concerns or is unsure whether or not observations should be cause for concern, they should discuss their concerns with senior staff e.g. Head of School, Head of Campus, Pastoral Dean, School Counsellor or School Psychologist or contact either **Gateway Services: 1800 171 233 OR Department of Health and Human Services – Child Protection Services 1300 737 639.**

Reporting to the police is mandatory where harm caused to a child indicates a criminal offence may have taken place, such as a sexual assault.

It should be noted that the role of the employee is not an investigative one. Staff must not undertake investigations beyond satisfying themselves that they have reasonable grounds to suspect that a Student has been harmed or is at risk of Harm. Neither the employee nor the Head of School is obliged to obtain proof, establish the cause of Harm or assess its severity. Once a report has been made, the employee is not required to take further action, beyond the requirement to exercise a duty of care.

2. MEANING OF “AT RISK”

In accordance with section 4 of the *Children, Young Persons and Their Families Act 1997*, a Child is at risk if –

- (A) the Child has been, is being, or is likely to be, Abused or Neglected; or
- (B) any person with whom the Child resides or who has frequent contact with the Child (whether the person is or is not a guardian of the Child) –
- (C) has threatened to kill or Abuse or Neglect the child and there is a reasonable likelihood of the threat being carried out; or
- (D) has killed or Abused or Neglected some other Child or an adult and there is a reasonable likelihood of the Child in question being killed, Abused or Neglected by that person; or
- (E) the Child is an affected child within the meaning of the *Family Violence Act 2004*; or
- (F) the guardians of the Child are –
 - (i) unable to maintain the child; or
 - (ii) unable to exercise adequate supervision and control over the child; or
 - (iii) unwilling to maintain the child; or
 - (iv) unwilling to exercise adequate supervision and control over the child; or
 - (iv) dead, have abandoned the child or cannot be found after reasonable inquiry; or
 - (v) are unwilling or unable to prevent the child from suffering abuse or neglect; or
- (G) The Child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution, regularly.

3. REPORTING PROCEDURE

Staff members at the School are expected to reflect the highest standards of care in their behaviour towards, and relationships with, Students. Employees of the School must not under any circumstances engage in physical or emotional Abuse or engage in sexual contact of any nature with a Student of the School. It is irrelevant whether the conduct is consensual or non-consensual, or condoned by parents or caregivers. The age of the Student is also irrelevant. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal.

Where a reference is made to **PROVIDING A WRITTEN REPORT** in those procedures, the following matters are to be included in the written report:

- (A) Name of the person giving the report (the 'first person').
- (B) The Student's initials, sex and date of birth.
- (C) Details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been Sexually Abused by an employee of the School.
- (D) Details of the Abuse or suspected Sexual Abuse including date, time and location of incident.
- (E) Any of the following information of which the first person is aware:
 - (i) the Student's age
 - (ii) the identity of the employee who has abused, or is suspected to have Abused the Student
 - (iii) the identity of anyone else who may have information about the Abuse or suspected abuse OR may have witnessed the Abuse.

4. EVIDENCE

The investigation of these matters is a complex and sensitive process. In the course of an investigation, officers from the Child Protection Services may request permission to interview the Student concerned. In some cases, in order to ensure the interests of the Child are protected, the student may be interviewed before the matter is discussed with the parent/caregiver.

The responsibility for informing parents/caregivers of notifications and any interviews rests with the investigating child protection agency officers, not with the Head of School. For this reason, any person making an inquiry or complaint concerning an investigation or an interview must be promptly referred to the Head of School who will refer the enquirer to the appropriate department, with the explanation that it is the responsibility of that department to answer such inquiries or complaints.

5. CONFIDENTIALITY

The identity of the person reporting the matter must not be revealed to any person or officer of any department without that person's consent. Child protection agencies operate under strict laws of confidentiality. This means they do not divulge the identity of the person reporting the matter except to others requiring the information to perform duties under the *Child Protection Act 1999*, neither do they divulge information about their investigations to the person reporting the matter.

Section 22 of the *Child Protection Act 1999* provides for the protection from civil liability for persons who, acting honestly, notify or give information about suspected Harm to a child. It also states that merely because the person gives notification, the person cannot be held to have breached any code of professional etiquette or ethics, or departed from accepted standards of professional conduct.

6. SUPPORT FOR THE STUDENT

The School has a responsibility to offer a long-term, supportive environment for all Students. The following are suggested as ways to support as who may be in need of protection:

- (A) Treat the Student with respect and dignity.
- (B) Be sensitive to the Student's needs, feelings and concerns.
- (C) Monitor the situation.
- (D) Maintain confidentiality as far as is practicable.
- (E) Immediately notify the Head of School if, after the initial report, any further incidents of Harm are suspected.

PART G – PROCEDURES FOR DEALING WITH COMPLAINTS FROM ADULTS OF SEXUAL ABUSE WHILST ATTENDING THE SCHOOL

The Policy entitled *Dealing with Complaints received from Adults of Sexual Abuse whilst attending the School (November 2014)* was approved by the Board of Management of the School. It is available:

- (A) on the School website; or
- (B) by request from the School Administration.

PART H - PREVENTING HARM TO STUDENTS FROM PEOPLE OUTSIDE THE SCHOOL

Many Children are harmed by someone they know and trust: a parent, a sibling, or another relative, family friend or care provider.

Employees should be aware of the physical, emotional and behavioural indicators of risk of student Harm and of actual Harm. These indicators are more significant if they are severe and/or consistent over time.

1. INDICATORS OF HARM

(A) Physical abuse and excessive punishment

- (i) Student presents with bruises, burns or fractures at a frequency which is inconsistent with normal activity
- (ii) Student offers explanations for an injury which appear inconsistent with that injury.
- (iii) Student or another person advises that he/she has been subjected to or threatened with physical Harm.
- (iv) Reluctance/refusal to participate in swimming or other activities where getting changed or wearing more revealing clothes may show signs of Harm.
- (v) Excessive absenteeism.

(B) Emotional abuse and/or deprivation

- (i) Poor peer relationships/withdrawn.
- (ii) Inclined to seek adult company and/or Students who are older or younger.
- (iii) Avoiding going home on a regular basis.
- (iv) Learning difficulties, including poor concentration.
- (v) Attention seeking behaviour such as stealing, lying, running away, repeatedly disrupting classes.

(C) Physical neglect and/or inadequate supervision or care

- (i) Students appear underweight for age and body type.
- (ii) Inadequate clothing.
- (iii) Asking other students for food or money or not bringing food to school.
- (iv) Excessive absences from school and/or high frequency of illness/infection.
- (v) Student often arrives at school early and/or leaves late.

(D) Sexual abuse

- (i) Bruises, bite marks or other injuries to breasts, buttocks, arms, lower abdomen or thighs.
- (ii) Bruises, scratches or other injuries not consistent with accidental injury.
- (iii) Difficulty walking or sitting.
- (iv) Persistent headaches or recurrent abdominal pain.
- (v) Unexplained pain in genital area.
- (vi) Torn, stained or bloodied underwear.
- (vii) Itching, soreness, discharge or unexplained bleeding.
- (viii) Painful and recurrent urination.
- (ix) Recurrent urinary tract infections.
- (x) Signs of sexually transmitted diseases.
- (xi) Pregnancy in adolescents where the identity of the father is vague or secret.

(E) Substance abuse

Some of the common indicators of drug use:

In the home

- (i) Loss of interest in family activities.
- (ii) Disrespect for family rules.
- (iii) Withdrawal from responsibilities.
- (iv) Verbally or physically abusive.
- (v) Sudden increase or decrease in appetite.
- (vi) Disappearance of valuable items or money.
- (vii) Not coming home on time and not saying where they are going.
- (viii) Constant excuses for behaviour.
- (ix) Spending a lot of time in their rooms.
- (x) Lies about activities.
- (xi) Finding the following: cigarette rolling papers, pipes, roach clips, small glass vials, plastic bags, remnants of drugs (seeds, etc).

At school

- (i) Sudden drop in grades.
- (ii) Truancy or always being late to school.
- (iii) Loss of interest in learning.
- (iv) Sleeping in class.
- (v) Poor work performance.
- (vi) Not doing homework.
- (vii) Defiant of authority.
- (viii) Poor attitude toward sports or other extracurricular activities.
- (ix) Reduced memory and attention span.

(F) Physical and emotional

- (i) Changes friends.
- (ii) Smell of alcohol or marijuana on breath or body.
- (iii) Unexplainable mood swings and behaviour.
- (iv) Negative, argumentative, paranoid or confused, destructive, anxious.
- (v) Over-reacts to criticism.
- (vi) Acts rebellious.
- (vii) Sharing few if any of their personal problems.
- (viii) Doesn't seem as happy as they used to be.
- (ix) Overly tired or hyperactive and drastic weight loss or gain.
- (x) Unhappy and depressed, sloppiness in appearance.
- (xi) Cheats, steals, always needs money, or has excessive amounts of money.

(G) Older teenagers and young adults

Look for a pattern of behaviour rather than a one-time instance since these symptoms can indicate other problems as well, including:

- (i) Difficulty learning and paying attention; poor grades.
- (ii) Low self-esteem.

- (iii) Aggressive behaviour.
- (iv) The homicidal triad and other violent outbursts.
- (v) Social withdrawal and poor social skills.
- (vi) Clinginess, anxiety and bullying.
- (vii) Psychosomatic symptoms (frequent headaches and stomach-aches).
- (viii) Property destruction and vandalism.
- (ix) Reckless, risk-taking behaviour.
- (x) Inability to express feelings.
- (xi) Drug/alcohol use.

Source: <http://teenchallengeqld.org.au/subtle-signs-substance-abuse/>

PART I – REFERENCES

- *Family Law Act 1975*
- *Children, Young Persons and their Families Act 1997.*
- *Teachers Registration Act 2000*
- *The Registration to Work with Vulnerable People Act 2013*
- *Child Protection Act 1999*
- http://www.dhhs.tas.gov.au/children/child_protection_services/information_sheets_and_resources
- http://www.dhhs.tas.gov.au/children/child_protection_services
- Faithfulness in Service: A code for personal behaviour and their practice of pastoral ministry by clergy and church workers. Diocese of Tasmania. Adapted by General synod, October 2004.
- Turren Lauren (2015) *The subtle signs of substance abuse* [web page] <http://teenchallengeqld.org.au/subtle-signs-substance-abuse/> Accessed 16 Nov 2015.
- www.thelaw.tas.gov.au
- www.childcomm.tas.gov.au

USEFUL CONTACT NUMBERS

- **Department of Health and Human Services -Child Protection Services. Please ring 1300 737 639 at any time.**
- Contact number for **Gateway Services: 1800 171 233**. From 9am-5pm Monday – Friday, this number will divert you to your regional Gateway Services office.
- **Mental Health Services 1800 332 388**

Acknowledgements:

- Brisbane Boys' College Child Protection Policy 2012
- The Southport School Child Protection Policy 2011

APPENDIX – CHILD PROTECTION RESPONSE FLOWCHART

(Internal use only)

DOCUMENT CONTROL

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