

Brigidine College St Ives

CHILD SAFEGUARDING POLICY

Policy Reference/Version – 1007-3

Policy

Brigidine College promotes the safety, wellbeing and inclusion of all young people. We are committed to creating and maintaining a child safe environment in which all students feel safe and are safe.

Purpose

Our Child Safeguarding Policy is an overarching policy that provides the key elements of our approach to the College as a child safe organisation and sets out the College's strategies to ensure compliance with all laws, regulations and standards relevant to child protection in NSW.

The College's Child Safeguarding Policy applies to all adults in the College community, including Staff, 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.

Relevant Legislation and Guiding Principles

Brigidine College St Ives reaffirms its commitment to the legislative requirements contained in the following seven key pieces of child protection-related legislation applicable that relate to child protection in New South Wales:

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

Brigidine College St Ives is committed to compliance with the NSW Child Protection Legislation, general principles of duty of care, as well as other legislative obligations that impact upon the provision of safe and supportive College environments.

There are a number of other College policies, procedures and guidelines that relate to child protection including (but not limited to):

- Bullying Policy
- Employment 805-1
- Code of Conduct: Staff 800-1
- Complaints and Grievances: Parents 1009-2
- Complaints and Grievances: Students 1010-2

Child Safeguarding Standards

The College's commitment to child safety is based on the National Principles for Child Safe Organisations published by the Australian Human Rights Commission, which set out the following overarching standards that guide the development and regular review of our work systems, practices, policies and procedures to protect students from abuse and other harm.

- Standard 1: Child safety is embedded in organisational leadership, governance and culture;
- Standard 2: Children participate in decisions affecting them and are taken seriously;
- Standard 3: Families and communities are informed and involved;
- Standard 4: Equity is upheld, and diverse needs are taken in to account;
- Standard 5: People working with children are suitable and supported;
- Standard 6: Processes to respond to complaints of child abuse are child focused;
- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training;
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur;
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved; and
- Standard 10: Policies and procedures document how the organisation is child safe.

Brigidine related Policies

Bullying Policy

Employment 805-1

Code of Conduct: Staff 800-1

Complaints and Grievances: Parents 1009-2

Complaints and Grievances: Students 1010-2

Persons Responsible

Director Student Wellbeing – student matters

Director Staff – employee matters

Approved by: Principal

Version Control: replaces 1007-02

(Child Protection – Safe and Supportive Environment)

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Brigidine College Procedures

Brigidine College is committed to the effective implementation of our Child Safeguarding Policy and ensuring that it is appropriately reviewed and updated. We adopt a risk management approach by identifying key risk indicators and assessing child safety risks based on a range of factors including the nature of our College's activities, physical and online environments and the characteristics of the student body.

Our Child Safeguarding Policy relates to all aspects of child safety and protecting students from abuse or other harm, and establishes work systems, practices, policies and procedures to create and maintain a child safe environment and culture at the College. It includes:

- Codes of Conduct
- clear information as to what constitutes child abuse and other harm and associated key indicators of abuse or other harm
- clear procedures for reporting child safety incidents or concerns internally, and for responding to incidents or allegations of child abuse or other harm
- strategies to support, encourage and enable Staff, Volunteers, Contractors, parents, carers and students to understand, identify, discuss and report child safety matters
- procedures for recruiting and screening members of the Leadership Team, Staff, Volunteers and Contractors
- procedures for reporting to external agencies, including Mandatory Reporting to DCJ, Reportable Conduct, and Reporting to Police
- pastoral care strategies designed to empower students and keep them safe
- strategies to support and encourage the participation and inclusion of Aboriginal and Torres Strait Islander students, students from culturally and/or linguistically diverse backgrounds and students with disability
- child protection training
- information regarding the steps to take after a disclosure of abuse or other harm to protect, support and assist students
- guidelines with respect to record keeping and confidentiality
- policies to ensure compliance with all relevant laws, regulations and standards (including the National Principles for Child Safe Organisations published by the Australian Human Rights Commission); and
- a system for continuous review and improvement.

As a part of Brigidine College's induction process, all Staff, as well as Direct Contact Volunteers and Direct Contact Contractors are required to complete induction in our child protection policies, practices and procedures. All Staff, as well as Direct Contact Volunteers and Direct Contact Contractors also receive refresher and ongoing child protection training, when applicable.

Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors are supported and monitored by the College's Child Protection Officer(s) and Leadership Team to ensure that they are compliant with the College's approach to child safety.

Working with Children Check

This policy reflects the implementation of the [Child Protection \(Working with Children\) Act 2012](#) and the [Child Protection \(Working with Children\) Regulation 2013](#).

This policy outlines processes for conducting the:

- Working with Children Check (WWCC) for child related work which includes a National Criminal History check for paid employees of Brigidine College to determine a person's suitability for employment or engagement with children

- This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child-related work at Brigidine College, in any one of the following capacities:
 - as a paid employee
 - as a volunteer
 - as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience)
 - as a contractor.

The College will ensure that all staff, volunteers, outside tutors and external providers are informed of:

- their legal responsibilities related to child protection and mandatory reporting. This will include all teaching and support staff and all coaches employed in Cocurricular activities.
- the requirement to notify and investigate allegations of reportable conduct. This will be carried out by the Principal, Deputy Principal Faith and Mission, or Director Student Wellbeing.

The Act requires that, subject to relevant exemptions, any worker who engages in child-related work that involves direct contact (physical or face-to-face) with a child or children (ages under 18) and whose contact is a usual part of and more than incidental to the work, must have a Working with Children Check (WWCC) in order to work at the College.

While the Act exempts some people from needing a WWCC to volunteer or otherwise work with children, it is the College's Policy that all Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors must hold a valid WWCC.

Directors of the Board must hold a WWC check clearance to demonstrate that each responsible person is a 'fit and proper person' under the Education Act 1990 (NSW) and the NSW Registration Manual (5.9.1). People who work or volunteer as a referee, umpire, linesperson or other sporting official or grounds person for the College are also required to hold a valid WWCC if they are either a Regular Volunteer or a Regular Contractor.

The College may require that any volunteers and Contractors who are legally exempt from holding a WWCC to complete a Statutory Declaration, Undertaking and Consent to Police Check in the Event of an Audit, pursuant to s40A of the Act.

Reporting Child Safety Incidents or Concerns to the College

Our Child Safeguarding Policy provides guidance for Staff, Volunteers and Contractors on how to identify key indicators of child abuse and other harm and how to report child safety incidents or concerns internally at the College or to relevant external authorities.

Students at the College are provided with information about and encouraged to use multiple pathways to raise child safety incidents or concerns about or at the College. These include informal and formal ways, an anonymous way, and through external child advocacy or child safety organisations.

Parents and carers, family members and other community members who have child safety concerns or who suspect that a child or young person associated with the College may be subject to abuse or other harm can contact:

- Principal by phoning 02 9988 6200 or emailing principal@brigidine.nsw.edu.au or, if the concern relates to the Principal, the Chair of the Board by emailing board@brigidine.nsw.edu.au; or
- Director Student Wellbeing 02 9988 6200; or
- Deputy Principal Faith and Mission 02 9988 6200

Students, parents and carers, family members and other community members can also raise child safety incidents or concerns through the College's Complaints and Grievances Policy.

Communications will be treated confidentially on a need to know basis.

Whenever there are concerns that a child or young person is in immediate danger the Police should be called on 000.

Responsibilities for Child Protection at the College

Child Protection is everyone's responsibility. All adults in the College community including staff members, volunteers and contractors have a shared responsibility for contributing to the safety and protection of students. They are required to comply with our Child Safeguarding Policy and Codes of conduct, understand their legal obligations with respect to the reporting of child abuse and other harm, and raise all child safety incidents and concerns with the College's Child Protection Officer(s).

The College's Child Protection Officers

A number of senior staff members are nominated as the College's Child Protection Officers. Our Child Protection Officer(s) receive additional specialised training with respect to child safety and protection issues. They are a point of contact for raising child safety concerns within the College. They are also responsible for championing child protection within the College and assisting in coordinating responses to child safety incidents.

Brigidine College has appointed the Deputy Principal Faith and Mission and Director Student Wellbeing as the College's Senior Child Protection Officers. They are contactable by phone on 02 9988 6200.

They both have additional child protection responsibilities, such as being a first point of contact for all child safety concerns or queries for the wider community and coordinating the College's response to child safety incidents in consultation with the Principal.

Record Keeping

All records created in accordance with this policy, including all complaints and allegations of staff misconduct or reportable conduct are maintained by the Principal.

In maintaining records of child safety incidents or concerns, the College maintains confidentiality and privacy for students and families in accordance with federal and state privacy legislation.

Non-Compliance with Our Child Safe Policy

Brigidine College enforces this Child Safeguarding Policy and our Codes of Conduct. In the event of any non-compliance, we will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension; or
- in the case of serious breaches, termination of employment, contract or engagement.

Attachment: Definitions

1. Child and Young Person

Child and Young Person

A child is defined, in the Children and Young Persons (Care and Protection) Act 1998 (NSW) and for the purposes of our Child Safeguarding Policy and related procedures, as a person who is under the age of 16 years.

A young person is defined, in the Care and Protection Act and for the purposes of our Child Safeguarding Policy and related procedures, as a person aged 16 or 17.

Note however that for some of the child abuse offences in the Crimes Act 1900 (NSW) (particularly those relating to sexual offences), a child is defined as a person under the age of 16.

For the purposes of the Failure to Protect and Reporting to Police (Failure to Report) offences, note that the Crimes Act 1900 (NSW) defines a child as a person under the age of 18.

For the purposes of Reportable Conduct and Working with Vulnerable People Registration obligations, a child is defined as a person under the age of 18.

Student

The term 'student' refers to any student enrolled at the College, including those aged 18 and above.

It is the College's policy that our policies and procedures about the internal and external reporting of child safety incidents and concerns are to be followed for child safety incidents

and concerns about students aged 18 years and above, provided that – for external reporting – the relevant student consents to the report.

2. Child Safety Incident or Concern

The different definitions of child abuse or other harm in various legislation, and the key indicators of child abuse and other harm are set out in Definitions and Key Indicators of Abuse and Other Harm. Together, they are all considered ‘child safety incidents or concerns’ for the purposes of our Child Safeguarding Policy and related procedures.

Breaches of the Child Safe Codes of Conduct are also considered child safety incidents or concerns.

3. Worker and Child-related Work

A *worker*, for the purposes of the Child Safe Policy, means any person who is engaged in work, as:

- an employee
- a self-employed person
- a contractor or subcontractor (Third Party Contractor)
- a volunteer
- a person undertaking practical training as part of an educational or vocational course (other than as a College student undertaking work experience), or
- a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

Child-related work is defined in both the Act and the Regulation.

It includes work for, or in connection with, any of the following if the work involves direct contact (physical or face to face) with a child or children which is a usual part of (and more than incidental to) the work:

- mentoring and counselling services for children
- direct provision of child health services
- disability services for children with a disability
- clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children
- education and care services, child care centres, nanny services and other child care
- Colleges or other educational institutions
- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- justice services such as detention centres
- any religious organisation where children form part of the congregation
- private coaching or tuition to children
- boarding houses or other residential services for children and overnight camps for children

- transport services especially for children, including College bus services and taxi services for children with a disability and supervision of College road crossings.

Child-related work also includes:

- a cleaner providing cleaning services at the College, even though they might not have direct contact with children; and
- a worker 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).

4. Direct Contact, Regular and Casual Volunteers and Contractors

A volunteer is a person who works without payment or financial reward for the College. Volunteers may be members of the College board, family members of students, or from the wider College or local community. Volunteers make a considerable contribution to the College community by giving their time and sharing their skills and expertise with others.

Brigidine College has identified three different categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers' responsibilities and obligations under the Child Safeguarding Policy may depend on their category. The categories of Volunteer are:

- Direct Contact Volunteers
- Regular Volunteers
- Casual Volunteers.

Where the term Volunteer is used, it captures Direct Contact Volunteers, Regular Volunteers and Casual Volunteers.

Direct Contact Volunteer

Direct Contact Volunteers are individuals who provide volunteer services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where they:

- may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support); or
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library); or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).

Due to the nature of Direct Contact Volunteers' contact with students, they will have more comprehensive child protection responsibilities and obligations within our Child Safe Policy.

Regular Volunteer

Regular Volunteers are individuals who provide volunteer services to the College, more than five times in any one year, but are not a Direct Contact Volunteer. They may have some indirect or limited contact with students when providing their services.

Due to the regular nature of Direct Contact Volunteers' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some child protection responsibilities and obligations within our Child Safe Policy.

Casual Volunteer

Casual Volunteers are individuals who provide volunteer services to the College, five times or less in any one year, during which they may have indirect or limited contact with students, but only in circumstances where they:

- are not likely to be left alone, one-on-one, with a student; or
- a reasonable person would not consider the contact to enable the individual to form a relationship of trust with a student; or
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Due to the limited nature of Casual Volunteers' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Volunteers.

Contractors

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Brigidine College. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches and cleaners.

Brigidine College has identified three different categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Safeguarding Policy may depend on their category. These categories are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors.

Where the term Contractor is used, it captures Direct Contact Contractors, Regular Contractors and Casual Contractors.

Direct Contact Contractor

Direct Contact Contractors are individuals who provide contractor services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where they:

- may be left alone, one-on-one, with a student (for example, 1:1 tutor or learning support); or
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, casual teacher, coach of a sports team, music tutor, canteen worker, regular maintenance worker); or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, casual teacher, music tutor).

This also includes music tutors and other extra-curricular tutors and instructors who are engaged by students and their families directly, rather than the College, but have an agreement with the College to use the College's facilities.

Due to the nature of Direct Contact Contractors' contact with students, they will have more comprehensive child protection responsibilities and obligations within our Child Safe Policy.

Regular Contractor

Regular Contractors are individuals who provide contractor services to the College more than five times in any one year and are not Direct Contact Contractors. They may have some indirect or limited contact with students when providing their services.

Examples of Regular Contractors may include:

- consultants
- maintenance workers who regularly work at times when students are not expected to be present; or
- regular caterers.

Due to the regular nature of Regular Contractors' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some child protection responsibilities and obligations within our Child Safe Policy.

Casual Contractor

Casual Contractors are individuals who provide contractor services to the College, five times or less in any one year, during which they may have indirect or limited contact with students, but only in circumstances where they:

- are not left alone, one-on-one, with a student; and
- a reasonable person would not consider the contact to enable the individual to form a relationship or trust with a student; and
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Due to the limited nature of Casual Contractors' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Contractors.

External Education Providers

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. This may include:

- another registered college or school
- a government College including:
 - the Open High College
 - Distance Education Centres
- TAFE Colleges
- Registered Training Organisations (RTOs)
- other external providers with appropriate scope of registration, qualifications and expertise.

The delivery of such a course may take place on College premises or elsewhere.

For the purposes of our Child Safe Policy, External Education Providers are considered Direct Contact Contractors.

5. Responsible Person

The term responsible person is defined under the Education Act 1990 as:

1. the proprietor of the College and, if the proprietor is a corporation, each director or person concerned in the management of the College (including trustees), or
2. a member of the governing body of the College, or
3. the principal of the College.