



Safeguarding Students and Children Policy

Commencement Date

1st November, 2018

Next Review Date

November 2020

Relevant Legislation

- Child, Youth and Families Act 2005
- Children, Young Persons and Their Families Act 1997
- *Registration to Work with Vulnerable People Act, 2013*
- Family Law Act 1975
- The Anti-Discrimination Act 1998 or Tasmanian Anti-Discrimination Act 1998
- Equal Employment Opportunity Act 1987
- Workplace Relations Act 1996
- Workplace Health and Safety Act 1995

Related Documents - The following Collegiate policies must be considered in relation to this document:

Code of Conduct

Safeguarding Students and Children

Work Health & Safety

Duty of Care

Conflict of Interest

Staff Induction

Purpose

We take seriously our responsibility to deliver a learning environment that is caring, nurturing and safe.

The purpose of the Peregrine Safeguarding Students and Children Policy is to provide written processes about the appropriate conduct of staff, volunteers and students at Peregrine 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 primarily by the *Children, Young Persons and their Families Act 1997*. In August 2009, amendments were made to the Act.

Our Management Committee approves and endorses Peregrine's commitment to safeguarding students and children from abuse and neglect.

It is the responsibility of all at Peregrine, from Management Committee to staff and volunteers, to:

- protect children and young people from all forms of abuse, bullying and exploitation by our staff and volunteers, guests and contractors
- be alert to incidents of child abuse and neglect occurring outside the scope of our operations and services that may have an impact on the children and young people to whom we provide a service; and
- create and maintain a child safe culture that is understood, endorsed and put into action by all the individuals who work for, volunteer or access our programs and services.
- adopting the practices and behaviour we have set as our standard when carrying out their roles, and
- reporting any abuse or neglect of which they become aware to our management and/or to external authorities responsible for child protection or to police, regardless of whether that abuse is being perpetrated by personnel within our organisation, or by those outside our organisation including those from the child's family, extended family, their family's extended network or strangers.

Scope of Policy

This Safeguarding Students and Children Policy applies to all staff, volunteers and students at Peregrine.

Responsibilities

- The Peregrine Management Committee is responsible for the endorsement of the Safeguarding Students and Children Policy. It delegates the implementation of the policy to the School's Principal.

PRINCIPLES AND GUIDELINES

1. Access to Policy

All Staff are to have access to an electronic copy of the Policy on the School Server 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. The questions will seek to establish the applicant's suitability for the role.
- (C) Short listed Staff will be interviewed by the Principal or her appointee prior to being accepted as a staff member.
- (D) Teacher Applicants must obtain a Teachers Registration Board registration check.
- (E) Applicants for non-teaching roles must have A Working with Vulnerable People Check which complies with the legislative requirements of Tasmania (Registration to Work with Vulnerable

People Act 2013). This must be received prior to staff appointment.

- (F) Where the Working with Children Check has been declined, a person cannot be considered for any position at the School

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.

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 and reporting procedures
- (B) The Principal will ensure that the contents of the Policy will be explained to any new member of the teaching staff and relief staff as well as any other volunteers assisting the School.

5. Awareness of Inappropriate Behavior/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 Principal in relation to the mandatory reporting requirements.

In the instance that the allegation of inappropriate behaviour or Harm is made against the Principal, Staff should seek the assistance of the President of the Management Committee.

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 welfare and best interests of any Student or Child at the School will always be of primary consideration.
- (D) All Staff must ensure that their behaviour towards, and relationships with, Students reflect proper standards of care for Students and are not unlawful.
- (E) Peregrine expects Students to show respect to members of Staff and volunteers, and to comply with safe practices.

- (F) Sexual acts by adult Staff or volunteers with a Student who is a child will always be sexual abuse.
- (G) Because of the imbalance of power that exists between an adult and a Student, a Student cannot “consent” to abuse.
- (H) Staff at Peregrine must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a Student.
- (I) The School will respond to reporting of suspected or actual Harm, or risk of Harm to a Student.
- (J) The School will ensure that the reporting process is conducted in such a manner as to maintain the Child’s dignity.
- (K) The School will act fairly and reasonably towards Staff or volunteers who are the subject of allegations of improper conduct.
- (L) Anybody within the School who becomes aware of or reasonably suspects that a Student is being harmed, must report the Harm or suspected Harm.
- (M) The School will take disciplinary action against Staff or volunteers who Harm Students – where Harm has been proven.
- (N) 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.
- (O) The School will cooperate with state authorities in investigating allegations of harm.
- (P) Persons receiving information about Abuse or suspected Abuse should explain to the informant that the information supplied will be:
 - Confidential, to the extent that this is possible given the need to investigate allegations and requirements of the law, and
 - 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.

(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 Principal must refer all allegations of paedophilia to the police, including those from the past.

In the instance that the allegation is made against the Principal, the President of the Management Committee 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 Principal will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:

- (i) Ensure that each Staff member understands and fulfills 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.

(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 Principal

(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 Principal 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 Principal, the President of the Management Committee 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 Principal 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.

(N) Publication

The Principal will ensure that this policy is published:

- (i) to staff members generally, at least once each year;
- (ii) to each new staff member, on induction;

(O) Review

This document will be reviewed at least every 2 years, after consultation. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Principal.