



CHILD PROTECTION POLICY

Approved by Management Committee 5 October 2022

Policy Statement

The purpose of Peregrine's Child Protection 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.

Peregrine is committed to implementing the National Principles for Child Safe Organisations and is working towards the Commonwealth Child Safe Framework. These principles have been incorporated in this policy. Creating policies and procedures to protect children is the first step in the journey to being a child safe organisation. To this end the following principles are applicable.

National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved
10. Policies and procedures document how the organisation is safe for children and young people.

All school staff should demonstrate and champion child safe approaches, all staff must be made aware of the policies and procedures, and abide by them, and child safety incidents must be acknowledged and managed appropriately by staff and the Management Committee. Maintaining a child safe culture requires ongoing effort and continuous improvement. Protecting children is everybody's business. Regardless of the size of an organisation or how often they interact with children, every member of every organisation has a role to play in keeping children safe.

Commonwealth Child Safe Framework Requirements

1. Undertake risk assessments annually in relation to activities of the entity, to identify the level of responsibility for, and contact with, children, evaluate risks to child safety, and put in place appropriate strategies to manage identified risks.
2. Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including Working with Children Checks / Working with Vulnerable People Checks and mandatory reporting requirements.
3. Adopt and implement the National Principles for Child Safe Organisations.

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4. Publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment (conducted under Requirement 1).

The Framework provides minimum standards for Commonwealth entities to protect children. However, it is important to understand that child safety goes beyond policies and compliance activities. While compliance with this Framework helps keep entities accountable for their child safe practices, creating a culture that prioritises the safety and wellbeing of children requires genuine commitment at all levels of an organisation. Child safe cultures are a protective factor—without a child safe culture,

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.

The Management Committee approves and endorses Peregrine's commitment to safeguarding children and young people from abuse and neglect.

It is the responsibility of all staff, volunteers and committee members at Peregrine, to:

- protect children and young people from all forms of abuse, bullying and exploitation by our staff and volunteers, guests and contractors in accordance
- 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. This is in accordance with the school's Mandatory Reporting Policy.

Scope of Policy

This Child Protection Policy applies to all staff, volunteers and students at Peregrine.

Definitions

Definitions are included in Appendix 1.

Responsibilities

The Management Committee is responsible for endorsement of the Child Protection Policy. It delegates the implementation of the policy to the school's Co-Principals. Any changes to this policy must be referred to the Management Committee for approval.

Child Safety Officer

The Child Safety Officer is responsible for oversight of volunteer, contractor, and management committee induction process. The Senior Administrator is the primary Child Safety Officer. In their absence, the Child Safety Officer is held by the Administration Assistant or a Co-Principal.

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Communication and Access to Policy

All staff are to have access to an electronic copy of the Policy on the school website and on Schoolbox, and must have access to ongoing professional development in the area of child protection and prevention of harm.

Staff Employment

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

- 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.
- 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.
- Short listed staff will be interviewed by the Co-Principal or their appointee prior to being accepted as a staff member.
- Teacher applicants must have current registration with the Teachers Registration Board
- All staff must have a current 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.
- Where the Working with Children Check has been declined, a person cannot be considered for any position at the school.

Volunteers

- 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.
- 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.

Training

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.

- The Co-Principals will ensure that the contents of the Policy will be explained to any new member of the teaching staff and relief staff through the induction process.
- New administration staff, volunteers, management committee and contractors are inducted by the Child Safety Officer.
- Where updates are made to this policy in accordance with internal review process or legislative updates, staff will be notified of revised content.
- Child safety forms a part of annual and ongoing staff professional development.

Training in child safety for staff is held on an annual basis and covers one of more of the following areas:

- Sharing of child safe policies and engagement to review.
- Completing e-learning modules for Child Safe Organisations covering the National Principles.
- Child protection training to recognise and respond to indicators of child abuse and neglect including responsibilities under the Mandatory Reporting Policy. Training to also include identifying and supporting victims and families.
- Review of:

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- Commonwealth Child Safety Framework
- National Principles for Child Safe Organisations
- United Nations Convention on the Rights of the Child

Additional training is arranged for staff with specific roles related to child safety and may be determined through the professional learning and development process.

Awareness of harm or inappropriate behaviour

In the first instance, staff who become aware of inappropriate behaviour or harm are to refer to the Policy and seek the assistance of a Co-Principal in relation to the mandatory reporting requirements in accordance with the school's Mandatory Reporting policy. A report will also be submitted to the Teachers Registration Board for investigation.

In the instance that the allegation of inappropriate behaviour or harm is made against a Co-Principal, staff should seek the assistance of the Chair of the Management Committee.

Principles

The School will uphold the following principles under this Policy and in accordance with the school's Code of Conduct Policy:

- 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.
- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- The welfare and best interests of any child at the school will always be of primary consideration.
- All staff must ensure that their behaviour towards, and relationships with, students reflect proper standards of care for students and are not unlawful.
- Peregrine expects students to show respect to members of staff and volunteers, and to comply with safe practices.
- 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.
- Sexual acts by adult staff or volunteers with a student who is a child or a student at the school will always be sexual abuse.
- Because of the imbalance of power that exists between an adult and a student, a student cannot "consent" to abuse.
- The school will respond to reporting of suspected or actual harm, or risk of harm to a student.
- The school will ensure that the reporting process is conducted in such a manner as to maintain the child's dignity.
- The school will act fairly and reasonably towards staff or volunteers who are the subject of allegations of improper conduct.
- Anybody within the school who becomes aware of or reasonably suspects that a student is being harmed, must report the harm or suspected harm.
- 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.

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- The school will terminate the employment of any staff who harm students - where harm has been proven and take disciplinary action (including reporting) against volunteers who harm students – where harm has been proven.
- The school will cooperate with state authorities in investigating allegations of harm.
- 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.

Child Safety (extract from Code of Conduct)

All employees including staff, Board members, volunteers, visitors and contractors involved in the care of children and young people on behalf of Peregrine have a duty of care to do everything reasonably practical to protect others from foreseeable harm.

All students have a basic and expected right to a physical and emotional environment that is free from detrimental effect to the student's physical, psychological or emotional wellbeing by any cause and includes minor harm that is cumulative in nature and which would result in a detrimental effect of significant nature to the student if allowed to continue. Amongst other things, harm can be caused by:

- Physical, psychological, or emotional abuse or neglect
- Sexual abuse or exploitation
- Domestic or family violence
- Student bullying
- One's own action

All employees including staff, students, Board members, volunteers, visitors, and onsite contractors involved in the care of children and young people on behalf of Peregrine:

- Are reminded of their responsibility as prescribed under the Children, Young Persons and their Families Act and the school's Mandatory Reporting Policy.
- Must actively seek to maintain a physically safe teaching environment for students in accordance with the National Principles for Child Safe Organisations.
- Must take reasonable steps to prevent harm to students and to support students who have been harmed
- Must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating, or threatening. Such conduct might include but not restricted to:
 - Targeting students with unfair or continued criticism
 - Making excessive or unreasonable demands of others
 - And making any form, either oral or written (including electronic communication), of derogatory comments to others within the College community.
- Must not engage in conduct that could physically harm a student, and this should be noted especially in cases involving disciplinary action.
- Are prohibited to use corporal punishment
- Not use physical intervention with any student, unless it is required to protect themselves, students, and others; it must be a deemed appropriate action providing the intervention is to prevent harm or further harm
- Will ensure interactions with students must be, and be seen to be, professional at all times
- Must not engage in grooming or sexual activity with a student
- Must not provide or exchange personal contact details such as telephone numbers or email addresses with students, unless for specific work-related reasons.

Grooming and Sexual Abuse (extract from Code of Conduct)

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Grooming behavior is a process whereby sexual offenders condition and build rapport with children or young persons to reduce their resistance to, and increase compliance with, sexual abuse. The grooming process can include:

- Misleading students by pretending to them that they are special (spending an inappropriate amount of time with students, giving gifts inappropriately, showing special favors, allowing students to overstep the accepted school rules)
- Breaking of acceptable school standards of behaviour
- Engaging in inappropriate, personalized forms of communication.

Employees must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise, then staff, volunteers, contractors and visitors involved in the care of children and young people on behalf of Peregrine must report such instances to the Co-Principal, or delegate, immediately to allow for action to be taken to assist in protecting the student, preventing repetition and avoiding subsequent allegations. Allegations will be investigated thoroughly in line with the internal investigation procedure outlined in the Child Protection Policy and may involve reporting to external agencies as required.

The following behaviour constitutes either sexual abuse or grooming, and is considered to be misconduct that may lead to mandatory reporting referrals and dismissal:

- Spending significant time alone with a student at school or in another setting without an identifiable educational purpose and approval from one of the co-principals
- Taking particular care of a student in ways that are out of balance with the care given to other students or by other staff members
- Communication with a student or their family outside school hours without consultation with and approval of one of the co-principals
- Communication with ex students under the age of 25, other than on school business, without consultation with and approval of one of the co-principals
- Unwarranted and inappropriate touching
- Suggestive remarks or actions of a sexual nature
- Sexual exhibition
- Obscene gestures, language, jokes containing sexual references or deliberately exposing students to sexual behavior of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual
- Inappropriate conversations of a sexual nature
- Comments that express a desire to act in a sexual manner
- Personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student
- Deliberate exposure of student to sexual behaviours of others including display of pornographic material
- Flirtatious behavior directed at a student
- Dating a student or former student
- Expressing romantic feelings towards a student in any way.

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Guidelines

For the protection of both staff and students, wherever practical, meetings between students and staff should occur in a room with the door open, or in the presence of others.

In complying with this policy, the school will be guided by the following:

1. 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.

2. Process

It is important to make the lodging of a complaint easy. This process is outlined in the school's Grievance Policy.

3. 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 and investigating a mandatory report.

4. 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 a Co-Principal, the President of the Management Committee will make the referral to the Police.

5. 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.

6. Protection

The Co-Principals 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 Vulnerable People 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.

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7. 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.

8. 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 a Co-Principal.

9. 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.

10. Public Relations

The Co-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 a Co-Principal, the President of the Management Committee will ensure that the required public relations considerations are actioned.

11. 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 a Co-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.

Police are not required to inform the school about their investigation.

Review

The School will ensure that this Policy is reviewed at least once every three years and risk assessments are updated to incorporate legislative changes and updates to best-practice.

Related Policy

Code of Conduct
Mandatory Reporting
Duty of Care
School Behaviour Support
Grievance Policy

Related Resources

National Principles for Child Safe Organisations

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Child Safe Standards identified by the Royal Commission into Institutional Responses to Child Sexual Abuse Report

Tasmanian Department of Education resources
Office of the eSafety Commissioner

Appendix 1

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.

Bullying means repeated behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect to victimize, 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 18years;

Child Exploitation Material means material that describes or depicts a person who is 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.

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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.

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 caregivers.

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 unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- (C) stalking a person (unwanted or obsessive attention by an individual or group towards another person).

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.

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.

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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.

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

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.

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