



## P2.2: POLICY FOR CHILD PROTECTION

### 1.0 Policy Statement

The School is committed to providing a safe and supportive environment for children to mature academically, spiritually, emotionally and socially based on the principles of God's Word.

The School acknowledges that it has a high duty of care to various groups of people and especially to children in its care. The School is committed to the safety of all children including those from culturally and/or linguistically diverse backgrounds, and to provide a safe environment for children living with a disability.

This policy summarises the obligations imposed by child protection legislation on the School, employees, contractors and volunteers at the School with an aim to reduce the risk of child abuse and/or significant harm. It aims to provide guidelines as to how the School will deal with matters concerning child protection, ensuring a caring and appropriate response is taken.

### 2.0 Scope

This policy applies to all activities authorised by or under the control of the School, including those activities undertaken at, or away from the School's premises. It is inclusive of all staff members and all personnel involved.

### 3.0 Key Legislation

The following Acts relate to child protection legislation in New South Wales:

- a) *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the Care and Protection Act);
- b) the *Child Protection (Working with Children) Act 2012*;
- c) the *Ombudsman Act 1974* (NSW) (the Ombudsman Act); and
- d) the *Ombudsman Amendment Act (Child Protection and Community Services) Act 1998* which added Part 3a to the Ombudsman Act 1974.

### 4.0 Definitions

**Child:** Any person under the age of 16.

**Child Abuse:** Refers to the following, whether or not, in any case with the consent of the child

- (a) assault (including sexual assault) of a child, or
- (b) ill-treatment or neglect of a child,
- (c) exposing or subjecting a child to behaviour that psychologically harms the child.

It may consist of one or more of the following:

- a) Emotional abuse – The chronic attitude or behaviour of a person, which is directed at a child in his or her care, or the creation of an emotional environment which is detrimental to that child's development.

- b) Neglect - Any serious act or omission which impairs or jeopardizes a child's development.
- c) Physical abuse – Any non-accidental physical injury.
- d) Sexual abuse - Any sexual act, or threat to perform such an act, upon a child. It occurs when a person uses his or her power and authority to take advantage of a child's trust to involve him or her in sexual activity. It does not necessarily involve intimate contact, but is any act which erodes the sexual boundary between the person and the child. Any apparent 'consent' of the child is always negated because of the age or maturity of the child.
- e) Sexual offence – This includes sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child.
- f) Sexual misconduct - This describes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours include:
  - any sexual relationship with a child;
  - inappropriate conversations of a sexual nature;
  - comments that express a desire to act in a sexual manner with individual children or young people;
  - unwarranted and inappropriate touching of a child, or in the presence of a child;
  - sexual exhibitionism in the presence of a child;
  - personal correspondence (including electronic communication) with a child or young person with respect to the adult's sexual feelings for a child or young person;
  - deliberate exposure of children and young people to sexual behaviour of others including display of pornography;
  - possession of child pornography;
  - patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse.

*Sexual misconduct* includes 'grooming behaviour'. This is defined as a separate offence from the actual sexual abuse and can include the following:-

- Persuading a child that a "special" relationship exists – spending inappropriate special time with the child, inappropriately giving gifts or showing favours;
  - Testing of boundaries – undressing in front of a child, allowing a child to sit on the lap, talking about sexual matters or the "accidental" touching of intimate parts of the body.
  - extending a relationship outside the employment situation - this should not be assumed to constitute grooming where an existing relationship pre-dates the employment or where the extended relationship arises through a reasonable level of social engagement in the relevant community (e.g. sports coaching, family level social contact within a small community);
  - inappropriate personal correspondence, including electronic communication that explores sexual feelings or intimate personal feelings.
- g) Witnessing domestic violence – any abusive behaviour used by one partner or family member in a domestic relationship to gain and maintain control over another's life

Abuse does not cover the following activities:

- Touching a non-intimate part of a child's body to gain a child's attention or to comfort a child;
- A staff member/volunteer raising his or her voice to attract attention or to restore order;
- Accidental contact;
- Providing appropriate medical care to a child who is injured;
- Guiding a child by the shoulders, arms or hands;
- Not providing supervision where this was for a good reason, and for a short period of time, where the risk of harm was low;
- Appropriate physical contact during sport, music lessons, teaching demonstrations or other such activities having regard to the age, maturity, health or other characteristics of the child.

**Church:** Condell Park Bible Church located at 29 Lancelot St, Condell Park NSW.

**Commission:** The Commission refers to The NSW Commission for Children and Young People (CCYP) or any successor to the relevant functions of the Commission.

**Community Services:** The NSW Government Family and Community Services or any successor to the relevant functions of Community Services.

**Diaconate:** The group of elected deacons including the pastoral staff and those serving ex-officio on the Diaconate.

**Disclosure:** When a young person or child tells that someone is harming him/her.

**Head of School Agency:** The Principal of Condell Park Christian School.

**Mandatory reporter:** An individual required under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* to report to the Child Protection Helpline when he/she has reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work. They are defined as those who deliver the following services wholly or partly to children as part of their paid or professional work:

- Health care – doctors, nurses, dentists and other health workers
- Welfare - psychologists, social workers and youth workers
- Education - teachers
- Children's services - child care workers, family day carers and home based carers
- Residential services - refuge workers, community housing providers
- Law enforcement - police

**Ombudsman:** The NSW Ombudsman or any successor to the relevant functions of the Ombudsman.

**Prohibited Person:** A person convicted of committing a sex offence.

**Reportable Conduct:** Section 25A of the Ombudsman Act defines 'reportable conduct' as:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case with the consent of the child.

Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

**School:** Condell Park Christian School, a ministry of Condell Park Bible Church located at 29 Lancelot St Condell Park NSW.

**Significant Harm:** A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent i.e. to the extent that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

**Staff Member:** A staff member is any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of any child placed in his or her care whilst holding a formal position at School. A staff member includes but is not limited to:

- Principal
- Pastors

- Teachers
- Teacher's aides
- Secretary
- Administrators

**Volunteer:** A volunteer is a person who is involved with children as a ministry in an unpaid capacity. It includes, but is not limited to:

- Teacher aides
- Bus drivers

**Young Person:** Any person aged 16 or 17.

## 5.0 Roles and responsibilities

### 5.1 School Association

The School Association has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The School Association is also responsible for ensuring that appropriate policies and procedures and a Code of Conduct supporting the protection of children are in place.

### 5.2 School Principal

The School Principal in conjunction with the Senior Pastor is responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, policies and procedures, and the School's Code of Conduct;
- Ensuring that all adults within the School community are aware of their obligation to report suspected abuse of a child in accordance with these policies and procedures;
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

### 5.3 Management Staff

All staff in positions of leadership must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;
- Educate other staff about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

### 5.4 All Staff

All staff/volunteers/contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and School policy and procedures in relation to child protection, and comply with all requirements;
- Read and understand the Church Child Protection Policy & Procedures, sign the given slip and return to the Church after the completion of the annual Ministry Compliance and Commencement Meeting;

- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and
- Provide an environment that is supportive of all children's emotional and physical safety.

## 6.0 Implementation Guidelines

### 6.1 External Policies

The School acknowledges that some activities of the School might have external affiliation with other organisations. These organisations will possibly have policies governing the issues of child safety and abuse. This policy is not intended to replace or conflict with the other policies, but instead to operate in conjunction with them if their policies and practices are Biblically sound.

### 6.2 Obligations

#### 6.2.1 Spiritual

The clear teachings of the Scriptures require the School to treat all people with love and dignity and to care for those who are less powerful and in need of nurture and protection.

#### 6.2.2 Legal

The School is subject to Federal and State legislation, as well as applicable laws made by Courts.

#### 6.2.3 Ethical

Some actions, though not regarded as abuse, are considered unacceptable behaviour and include:

- Suggestive conversation, coarse language, or jokes of a sexual nature;
- Inappropriate touching;
- Sexually explicit literature; (e.g. explicit material used with young children);
- Overly aggressive actions by a staff member in the course of a sporting or other activity.

### 6.3 Selection and Screening

To reduce the risk of an offender entering a position of trust, staff members must be carefully selected and screened. [SP2.2 Child Protection.doc](#)

### 6.4 Information and Training

All staff members /volunteers who are involved with children are issued with a copy of this policy and will receive training in its content and application.

### 6.5 Principles to Promote a Safe & Supportive Environment

No person who has been convicted of sex offences in accordance with current legislation will be eligible to work with children at School.

When ministries are well supervised the risk of child abuse is greatly reduced. A person is unlikely to abuse a child in front of another adult for fear of being reported. In addition, the presence of a witness can assist in clarifying questionable allegations.

### 6.6 Mandatory Reporting

It is recognized that all staff members have mandatory legal reporting obligations if there are reasonable grounds to believe that a child is at risk of significant harm under the Children and Young Persons (Care and Protection) Act 1998.

The *NSW Mandatory Reporter Guide* has been developed by Community Services to help both mandatory and non-mandatory reporters discern whether a concern meets the statutory threshold for reporting risk of significant harm.

Mandatory reporters are encouraged to use the *Mandatory Reporter Guide* to guide their decision making, such as whether or not to report to the Child Protection Helpline.

### **6.7 Reportable Conduct**

Part 3A of the Ombudsman Act 1974 requires that a designated agency must notify the Ombudsman of any allegation of reportable conduct or conviction related to reportable conduct against an employee.

In addition to notifying the Ombudsman, the School must also investigate the allegation or conviction and report the findings of such an investigation to the Ombudsman.

## **7.0 Policy Review**

This policy will be reviewed annually, and following every reportable incident, by the School Association or by a committee appointed by the Association to assess whether the School's Child Protection policies or procedures require modification under the School's care.

## **8.0 Child Protection Helpline**

For further information on how to report an incident or for answers to common questions about reporting, a 24 hour, 7 day a week, state wide call centre is available on 132 111.

## **9.0 References and Related Documents**

[SP2.2 Child Protection](#)

[F2.2 Risk Assessment Form For Child Protection](#)

[P3.3 Code of Conduct](#)

[P3.4 Anti Bullying](#)

[P1.2 Complaints and Appeals](#)

[P2.6 Supervision](#)

[P2.7 Security](#)

[P3.1 Pastoral Care](#)

[P2.8 Risk Management](#)

[P2.1 Work Health and Safety](#)