

MAKING BUSINESS SENSE

COOP'S CHALLENGE WESTGARTH

Child Protection Legislation & BGS Child Protection Policy

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David Abernethy

Child Protection – the legislative framework

- Blue Card requirements
- Teacher Registration issues
- Processes for reporting Harm
- Mandatory reporting of Sexual Abuse.

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What is "harm"?

- **Harm**, to a child, is any detrimental effect of a significant nature on the child's:
 - Physical
 - Psychological, or
 - Emotional wellbeing.
- Immaterial how the harm is caused

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What is "harm"? (cont'd)



- Can be caused by:
 - Physical, psychological or emotional abuse or neglect
 - Sexual abuse or exploitation.

Comment: need not be connected to School activities. Could be accidental.

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Teacher Registration



- The School must give written notice of dismissal or resignation to the Board of Teacher Registration if:
 - The School investigated an allegation of harm caused (or likely to be caused) to a child because of the conduct of the teacher, and
 - The School dismissed the teacher, or
 - The teacher resigned

Comment: Previously only related to sexual allegations

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Notice to Board of Teacher Registration



- The Notice must include:
 - Name of employing authority and name of the School
 - Name of the teacher
 - The date of dismissal or resignation
 - Details of the allegation being investigated
 - The reasons for dismissal or resignation
- The Notice must be given within 7 days of dismissal or resignation

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Notice to Board of Teacher Registration (cont'd)



- Also applies if teacher resigns during investigation
- The School cannot be liable for giving the notice

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Notification by prosecuting authorities



- If a registered teacher is charged with an indictable offence then the prosecuting authority must give a similar notice within 7 days of the person being committed for trial
- Also obligations to give notice if the teacher acquitted

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Accreditation criteria for non-state schools



- Administration and governance arrangements
- Financial viability
- Educational program and student welfare processes
- Resources
- Improvement processes

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Student welfare Processes – health, safety & conduct of staff and students



- The School must have written processes about the health and safety of its staff and students that accord with relevant WH & S legislation
- The School must have written processes about the appropriate conduct of its staff and students that accord with legislation about the care or protection of children

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Inappropriate Behaviour by Staff



- There must be a process:
 - For the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate
 - About how the reported information is to be dealt with

Must be 2 staff members to whom a student may report the behaviour

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Reporting Harm



- There must be a process for the reporting by staff members to the principal or another nominated person of:
 - Harm of which the staff member is aware has been caused to a student under 18, or
 - Harm reasonably suspected by the staff member to have been caused to a student under 18

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CODES OF CONDUCT WESTGARTH

- There must be a process for the reporting of harm or suspected harm by the principal or other person to a relevant state authority if the principal or other stated person also is aware of harm or reasonably suspects harm

Comment:

- Having the process for reporting is mandatory. Making the report is not.
- Failure to report may breach other Codes of Conduct

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Mandatory reporting of Sexual Abuse

CODES OF CONDUCT WESTGARTH

- If a staff member becomes aware, or reasonably suspects, that a student under 18 attending the School has been sexually abused by someone else who is an employee of the School then the staff member must immediately give a written report to the Principal or one of the Trustees.
- The Principal or Trustee must immediately give a copy of the report to a police officer

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Mandatory reporting of sexual abuse (cont'd)

CODES OF CONDUCT WESTGARTH

- Penalty for breach - \$1,500
- No civil or criminal liability for providing such a report

Comment:

- Sexual abuse not defined
- No investigative obligation on the School
- Both those processes and the reporting are mandatory

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Overview of mandatory obligations

- The School must report dismissal or resignation of a teacher following investigation of Harm
- All staff must report (to principal or trustee) sexual abuse or suspected sexual abuse of a student by a School employee
- The principal or trustee must pass that report to the police

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Overview of mandatory obligations (cont'd)

- The School must have in place a process for reporting sexual abuse of a student by a School employee
- The School must have in place a process for reporting harm
- The School must have in place a process for a student to report inappropriate behaviour by a teacher

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BGS Child Protection Policy

- The Policy is designed to meet the School's statutory obligations including processes for reporting:
 - Inappropriate behaviour of a staff member
 - Sexual abuse of a student
 - Harm to a student

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BGS Child Protection Policy (cont'd)



- The Policy comprises 2 parts:
 - Part A which sets out general principles, practices and guidelines
 - Part B which sets out the reporting processes

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Inappropriate behaviour by a staff member toward a student



- The student makes the report to the Head of Year or any Deputy Headmaster
- The Head of Year or Deputy Headmaster interviews student and staff member and provides report to Headmaster
- Headmaster further investigates if necessary and takes appropriate action

Comment: no mandatory external reporting requirements unless sexual abuse

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Reporting harm to a student



- Staff member makes report to Headmaster or Deputy Headmaster
- If the Headmaster or Deputy Headmaster is aware of harm then reports it to the police or the Department of Child Safety

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Report harm to a student (cont'd)



- If the Headmaster or Deputy Headmaster is not aware or does not reasonably suspect then the matter should be fully investigated, obtain advice from Chairman or School solicitor and where appropriate report externally

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Reporting sexual abuse by a staff member



- If staff member is aware or reasonably suspects sexual abuse of a student then must provide a written report to the Headmaster or a trustee
- The Headmaster or trustee must provide the report to the police

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