

Tab A

..... Draft Policy on a Safe and Supportive Environment

Child Protection

The Registered and Accredited Non-Government Schools (NSW) Draft Manual requires that a school must have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection. In 1999 the AIS distributed to schools a copy of the 'Child Protection Manual Information and Guidelines' which contained an example of a child protection policy. Following the introduction of additional legislation in the child protection area, this manual is no longer current. The AIS does not intend to update the manual but will instead issue to schools separate advice on legislative change and the introduction of new guidelines by the NSW Ombudsman and the Commission for Children and Young People. The following framework is designed to assist schools to develop their own child protection policies. The recently passed 'Child Protection Legislation Amendment Bill 2003' will require schools to produce a 'Code of Conduct or Professional Standards'.

Child Protection Policy Framework

1. General Introduction:

- * Information on the school's philosophy regarding child protection and duty of care.
- * Covers areas such as why a child protection policy is important and the likely impact *of abuse on children.*
- * *The Ombudsman suggests that this section should 'set the scene' for child protection in your school and that the school should adopt either a prevention focus or a response focus or both. (Note: AIS suggests that a prevention and response focus is probably the most appropriate for independent schools.)*

2. Definitions:

(The terminology used in the Amendment Bill for implementation about April 2004 is included in brackets.)

Definitions and indicators of child abuse and neglect need to be set out. The definitions could include terms such as 'head of agency', 'allegation', 'child abuse' *(reportable conduct,)* 'relevant disciplinary proceedings' *(relevant*

employment proceedings), 'misconduct', 'procedural fairness' and 'risk assessment'.

3. Legislative Requirements:

This section should identify the person designated as Head of Agency (HOA) and any persons in the school who have been delegated responsibility for reporting to the various external agencies (DOCS, Ombudsman and Commission for Children and Young People). It needs to explain reporting responsibilities of teachers and others in the school, both from a legislative perspective and a school policy perspective (for example, reporting children at risk of harm to DOCS through HOA or nominee).

An explanation of the concepts of prohibitive employment, pre-employment screening, Freedom of Information provisions and notification of convictions of child abuse (reportable conviction) *should be included in this section.*

Following the introduction of the amendments (April 2004) this section will need to be expanded to contain a detailed explanation of employee behaviour that, in certain circumstances, will not be considered to be reportable conduct. Examples of this behaviour include:

- *Conduct that is reasonable for the purposes of discipline, management or care of children.*
- *Use of physical force that is trivial or negligible.*
- *Class or Kind exemptions (under certain circumstances).*

4. Prevention Strategies:

These should be aimed at raising the awareness of students, staff and the community regarding child protection issues. They could include the following:

- *Key elements of child protection should be included within the*

school curriculum (possibly covered in the PDHPE syllabus). This could include, recognising abuse, power in relationships, protection strategies, the right of children to say 'no' and communication strategies for children.

- Details of the professional development program for staff in the area of child protection should be outlined. This section should also contain a reference to the school's 'Code of Conduct or Professional Standards'.
- Details of the method of providing information to families and the community on the child protection strategies that have been adopted by the school. General awareness raising about child protection issues.

5. Investigation Processes:

This section should contain a description of the process your agency will follow when an allegation has been reported. This section should also contain a reference to the 'The Association of Independent Schools NSW and The NSW/ACT Independent Education Union - Recommended Protocols for Internal Investigation and Disciplinary Proceedings' (will need to be updated following introduction of amendments in April 2004).

It should outline the investigative responsibilities of the school and outside agencies and emphasise that teachers are not permitted to investigate such allegations.

It should outline details of ongoing risk assessment procedures, information on the rights of the person who is the subject of an

allegation and what they can expect in terms of their involvement in the investigation. Information on who is responsible to undertake any disciplinary action, if warranted, should also be included.

An overview of the notification process in a flowchart/action plan format is often useful for quick reference.

6. Documentation:

Copies of relevant documentation, such as the Prohibited Employment Declaration, Notification to Ombudsman, Completed Relevant Disciplinary Proceedings and Employee Notification Advice to the Commission for Children and Young People could be attached to the school's child protection policy. This may assist to demystify some of the processes and to improve employee understanding.