



Safeguarding Policy

Policy Classification		
Policy Number	Date of Origin May 2020	By Whom Senior Leadership Team
Policy Audience	Review Date	Next Review Date 2023
Policy Approval: This Policy was approved by the Board, June 2020.		
This Policy supersedes all previous policies relating to matters contained herein.		
This policy is in accord with the Safeguarding Standards of Catholic Professional Standards Ltd which align with the National Principles of Child Safe Organizations.		

1. Rationale

- 1.1 This Policy is to establish a set of internal preventative and responsive measures and procedures to:
- safeguard students by minimising risk of intentional or unintentional harm, abuse and or exploitation and adequately respond to any event where harm or abuse occur;
 - Safeguard staff by avoiding ambiguous workplace situations and behaviours which may be misinterpreted and potentially lead to allegation;
 - safeguarding the College by showing its genuine commitment to safeguarding students and preventing harm and abuse.
- 1.2 This Policy is to inform and remind all employees, contractors and volunteers of Oakhill College of their responsibilities and to:
- Clarify the expectations of Oakhill College employees, contractors and volunteers who work with children;
 - Provide a safe and supportive environment for children, employees and volunteers;
 - Build and maintain a contemporary Catholic workplace that is safe, respectful, professional and legally compliant;
 - Give guidance on the processes and procedures that aim to ensure children's safety and wellbeing across all areas of the College's work.

2. Guiding Principles

- 2.1 Consistent with its mission and values, and in compliance with its legislative obligations, Oakhill College strives to ensure children in its care are safe and secure.
- 2.2 Oakhill College does not tolerate child abuse in any form by anyone working with or associated with the College.
- 2.3 Oakhill College is committed to safeguarding children in its operations and programmes regardless of their nationality, sex, culture, ethnicity, religious or political belief, socio-economic status, family or criminal background, physical or mental health, or any other status.
- 2.4 All partner and/or contractors' staff and associates must commit to and uphold the principles and practices of this Policy, in order for it to be meaningful and successful.
- 2.5 Oakhill College accepts that abuse can happen, and this Policy takes steps to prevent it.
- 2.6 This Safeguarding Policy forms the principles and ethos of all related policies and practices of the College including but not limited to the Child Protection Policy, Working with Children Policy, Safe School Policy.
- 2.7 There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse:

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes, but is not limited to, injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, and attempted strangulation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

Emotional abuse can result in serious psychological harm, where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma. Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of

- the parental or carer behaviour that are instrumental in defining the consequences for the child. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.
- 2.8 All matters raised and dealt with under this Policy will be kept as confidential as possible (with information being shared exclusively on a need to know basis), ensuring the safety of all involved (survivors, alleged perpetrators and reporters) and the best interests of the child at all times.
 - 2.9 Oakhill College has systems in place to document, monitor and report on the implementation of this Policy, as well as mechanisms to ensure that management and staff are committed to, and are undertaking, their child safeguarding roles and responsibilities to the best of their capacity
 - 2.10 This Policy applies to:
 - all staff members engaged to work in, or provide services to, Oakhill College in a paid or voluntary capacity in regard to safeguarding standards of behaviour that must be adhered to when working with children;
 - all activities in the organisation which involve, result in or relate to contact with children.
 - 2.11 Staff and volunteers of Oakhill College are required to be familiar and comply with safeguarding and child protection legislation as varied from time to time, including but not limited to:
 - National Catholic Safeguarding Standards (NCSS) and the Catholic Professional Standards Ltd audit programme (CPSL)
 - Child Protection (Working with Children) Act 2012 (NSW)
 - Child Protection (Working with Children) Regulation 2013 (NSW)
 - Children and Young Persons (Care and Protection) Act 1998 (NSW)
 - Children and Young Persons (Care and Protection) Regulation 2012 (NSW)
 - Crimes Act 1990 (NSW)
 - The Children's Guardian Act 2019
 - Ombudsman Act 1974 (NSW)
 - 2.12 While this Policy applies to and outlines the responsibilities of all staff, contractors and volunteers, the implementation and monitoring of the various elements of this policy are the responsibility of the Principal, Deputy Principal, Safeguarding Officer and Human Resources Manager according to their various roles and functions within the College administration.
 - 2.13 Failure to comply with safeguarding and child protection responsibilities and obligations required by legislation or this policy will result in disciplinary action being taken, up to and including immediate termination of employment, termination of contractor agreement, notification to external agencies and/or criminal charges.

3.0 Policy

3.1 Safeguarding Recruitment

Oakhill College adopts safeguarding recruitment procedures for the selection of all staff whether full time or part time, temporary or long-term. Safeguarding recruitment procedures include:

- (a) Stating in the wording of job advertisements that successful candidates will be required to undergo a Police Background Check;
- (b) Conducting National Police Background Check for all new staff as a condition for employment;
- (d) Requesting a valid verified Working with Children Check as a condition for employment;
- (e) Conducting verbal or written referee checks with at least two most recent supervisors as a condition for employment asking specific questions to draw out the candidate's attitude and values towards children, child rights and child protection, and exploring whether the candidate has had any behavioural issues in his/her previous workplace;
- (f) Asking specific interview questions to candidates tailored to draw out peoples' attitudes and values towards children, child rights and child protection, as well as requesting clarifications for inconsistencies and gaps in the candidate's resume;

- (g) Including a provision in employment contracts which considers a breach of this Policy or Code of Conduct as an act of “serious misconduct”, resulting in disciplinary measures (including, dismissal, suspension or transfer to other duties);
- (h) Requesting formal and valid documentation to confirm identity of the candidate and proof of relevant qualifications.

3.2 Safeguarding Risk Management

While it is not realistic to eliminate all risks for children, it is important that every effort is made to manage them, which includes identifying as many risks as possible within programs and operations and developing mitigation strategies and actions.

Oakhill College’s safeguarding risk management strategy includes:

- (a) Integrating safeguarding risk management into existing risk management processes;
- (b) Conducting a child safeguarding risk management exercise before any activity or event which may involve, target or affect students, the public or communities.

Oakhill College’s safeguarding risk management processes involve:

- (a) Identifying risks (i.e. detecting the potential for something to happen that will have an impact on students, staff or the College as an organisation);
- (b) Assessing the risks (i.e. evaluating the likelihood and level of impact);
- (c) Mitigating the risk (i.e. developing strategies to minimize or address the risk, reducing the likelihood of harm and abuse from actually occurring);
- (d) Clearly assigning responsibilities in the mitigation strategy;
- (e) Regularly reviewing risks and mitigation strategies, especially when conditions/contexts change.

3.3 Safeguarding Code of Conduct

It is important that staff, contractors and visitors, clearly understand what is expected of them in terms of behaviour and professional boundaries with students. It is also important that children and parents understand what is expected of Oakhill College staff, contractors and visitors. This not only makes everyone accountable for their actions, but also ensures that children and parents are aware of how they should be treated. Oakhill College has a Staff Code of Conduct which:

- (a) Applies to (and is signed by) all staff;
- (b) Describes expected behaviours in relation to children, detailing what is appropriate and inappropriate conduct, prescribing professional boundaries and defining acceptable and unacceptable relationships;
- (c) Provides for disciplinary measures in the case of breach, which are determined based on the severity of the breach, and may include, but not limited to, suspension, dismissal, and reporting to authorities.

3.4 Safeguarding Incident Reporting

Regrettably, even with all the preventive measures abuse may still happen. It is important that in these cases, a solid system is in place to respond in an appropriate, effective and timely manner, ensuring no further harm to the survivor. For this to happen, it is crucial that all cases of child abuse or breach of this Policy, the College Child Protection Policy and/or Staff Code of Conduct are promptly detected and raised to the attention of the Principal or Deputy Principal, who will then take appropriate action based on established internal principles and procedures. It is mandatory for all staff to internally report witnessed, suspected or alleged cases of:

- (a) Child abuse or exploitation by another staff member, contractor, visitor to the College or program provider (including outside Australia);
- (b) Breaches of this Policy, Child Protection Policy and/or Code of Conduct by another staff member or contractor.

At all times during the reporting process and subsequent actions, Oakhill College is committed to:

- (a) Ensuring that the safety, wellbeing, dignity and best interest of the child remain the overriding concerns;
- (b) Taking every report of child abuse seriously, ensuring that all parties are treated fairly, and procedures are transparent and in line with the law;
- (c) Dealing with child abuse reports in a confidential and timely manner, keeping in mind the protection of the victim, the reporter and the alleged perpetrator

3.5 Safeguarding Training and Staff Awareness

All staff have a role to play in safeguarding children. To fulfil that role effectively and with confidence, they are required to understand child safeguarding issues and risks and maintain a good knowledge of the College's safeguarding measures and procedures, internal roles and responsibilities, as well as broader attitudes and skills to keep children safe in operations and programmes.

Oakhill College provides all staff with regular and structured training and learning opportunities on child safeguarding, the Child Protection Policy, Safeguarding Policy and Staff Code of Conduct, as well as understanding their child safeguarding roles and responsibilities. The learning opportunities include:

- (a) Induction training – as part of the general induction/orientation when staff are newly employed or engaged;
- (b) Regular training and refreshers – on a yearly basis for existing staff to ensure knowledge retention;
- (c) Specialized training, supervision and support – for staff and who have a direct responsibility in implementing child safeguarding procedures or whose work may have specific impacts on children.

3.6 Breach of this Safeguarding Policy

3.6.1 A breach of this Policy (as well as the Child Protection Policy and Staff Code of Conduct) by staff will be considered an act of “serious misconduct”, resulting in disciplinary measures proportionate to the action, which may include:

- Meeting to discuss the breach and opportunity for the person to provide their account/understanding of the situation;
- Performance management;
- Further education on the Safeguarding Policy, Child Protection Policy and Code of Conduct;
- Formal warning and monitoring;
- Suspension pending investigation;
- Internal investigation;
- Mandatory reporting to the Police and/or Office of the Children's Guardian;
- Dismissal of staff.

3.6.2 A breach of this Policy (as well as the Child Protection Policy and Staff Code of Conduct) by contractors or service providers will be considered a breach of contract which will lead the College to review the contract and take relevant actions, which may include:

- Meeting to discuss the breach and opportunity for the partner or contractor to provide their account/understanding of the situation;
- Further education or support to comply with the Policy;
- Formal warning and request to adopt measures to re-comply with the Policy;
- Suspension of partnership agreement pending re-compliance;
- Mandatory reporting to the Police and/or Office of the Children's Guardian suspected cases of child abuse (in the event that the partner or contractor has not taken appropriate action against its staff or associates suspected of child abuse);

- Termination of agreement if non-compliance is persistent or deliberate, or if no genuine effort is made to comply.

3.6.3 A breach of this Policy (as well as the Child Protection Policy and Staff Code of Conduct) by volunteers will be considered a breach of the Protocols applicable to the relevant College activity (such as sport). This will result in College disciplinary measures in proportion to the action. Such measures may include:

- Meeting to discuss the breach and opportunity for the volunteer to provide their account/understanding of the situation;
- Further education and support to understand and comply with the Protocols and Policy
- Formal warning to comply with the Protocols and Policy
- Monitoring to check on compliance
- Termination of services if non-compliance continues or if action was a serious breach of the Protocols and Policy;
- Mandatory reporting to the Police and/or Office of the Children's Guardian cases of suspected or witnessed child abuse.

3.6.4 A breach of this Policy (as well as the Safeguarding Policy, Child Protection Policy and Staff Code of Conduct) by a visitor will result in:

- Meeting to discuss the breach and opportunity for the visitor to provide his/her account/understanding of the situation;
- Further education or support to comply with the Policy;
- Termination of the visit in case of deliberate disregard or serious breach of the Policy;
- Mandatory reporting to the Police and/or Office of the Children's Guardian in the case of suspected or witnessed child abuse.

4.0 Policy Review

The College Principal is to ensure that this Policy is monitored and reviewed to ensure it is up to date with all legal requirements and legislative changes and reviewed according to the policy review schedule.

5.0 Explanatory Notes and Definitions

1. Child Abuse

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse:

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, and attempted strangulation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

Emotional abuse can result in serious psychological harm, where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma. Although it is possible for 'one-off'

incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

2. **Staff Member** (see also employee (No 15)) includes:
 - paid employees whether employed on a permanent, temporary or casual basis
 - religious, volunteers, contractors, sub-contractors, consultants and students on tertiary practicum placements
3. **Child** or “children” refers to any person under the age of 18 years.
4. **Child-related work** involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Child related work includes, but is not limited to, work in the following sectors:
 - early education and child-care including education and care service, child-care centres and other childcare;
 - schools and other educational institutions and private coaching or tuition of children;
 - religious services;
 - residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
 - transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings; and
 - counselling, mentoring or distance education not involving direct contact.
4. Definitions of **‘grooming’**, within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a ‘special care’ relationship. Under Schedule 1(2) of the WWC Act, grooming is recognised as a form of sexual misconduct. The Children’s Guardian Act 2019 and this Safeguarding Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2). An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.

Elements of grooming include any conduct in which an adult:

- exposes a child to indecent material; or
- provides a child with an intoxicating substance or financial or other material benefit; and
- does so with the intention of making it easier to procure the child for unlawful sexual activity with an adult or any other person.

Grooming behaviour is where there is evidence of a pattern of conduct that is consistent with grooming the alleged victim for sexual activity and that there is no other reasonable explanation for it. Grooming behaviours include but are not limited to:

- persuading a child or young person that they have a special relationship by showing special favours;
 - spending extra time with the child or young person;
 - testing boundaries by undressing in front of the child or young person;
 - talking about sex or ‘accidental’ intimate touch;
 - inappropriately extending a relationship outside of work;
 - developing a relationship with the family of a child’s family with the intent to procure a child;
 - inappropriate personal communication (including email, social media etc that explore intimate and/or personal feelings (See also 3.6.3 above)
5. A single serious **‘crossing of professional boundaries’** by an employee or volunteer, repeated less serious breaches of professional conduct, or exercise of poor judgment may constitute misconduct or sexual misconduct and a breach of this policy. However, ‘crossing

of professional boundaries' does not of itself equate to sexual misconduct. (Children's Guardian Act 2019)

6. **Sexual misconduct** is defined as conduct with, towards or in the presence of a child that is sexual in nature. The following (non-exhaustive) are examples of sexual misconduct referred to:

- descriptions of sexual acts without legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child or another child.

Sexually explicit comments and other overtly sexual behaviour include a broad range of sexualised behaviour with or towards children including but not limited to:

- sexual behaviour with or towards a child including sexual exhibitionism;
- inappropriate conversations of a sexual nature;
- comments that express a desire to act in a sexual manner;
- unwarranted and inappropriate touching involving a child;
- personal correspondence and communication (including emails, social media etc.) with a child or young person in relation to the adults romantic, intimate or sexual feelings for a child or young person;
- exposure of children and young persons to sexual behaviour of others including pornography; and
- watching children undress in circumstances where supervision is not required and is clearly inappropriate.

7. **Sexual offence:** an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence [Refer to Explanatory Note: 4];
- production, dissemination or possession of child abuse material.

8. **Sexual misconduct:** conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples [Refer also to Explanatory Note 6]:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

9. **Assault:** an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)

10. **Ill-treatment:** is defined as conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel.

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

11. **Neglect:** defined as a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child that causes or is likely to cause harm - by a person who has care and/or has responsibility towards a child. Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.
12. **Emotional or psychological harm:** Behaviour that causes significant emotional or psychological harm to a child is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child. For a reportable allegation involving psychological harm, the following elements must be present:
 - An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and
 - Evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and
 - An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.
13. **Reportable allegation** is an allegation that an employee has engaged in conduct that may be reportable conduct.
14. **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
15. **Employee** (see also staff-member No 2) of an entity includes:
 - an individual employed by, or in, the entity
 - a volunteer providing services to children
 - a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an entity; and
 - a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.
16. **PSOA:** Person Subject of the Allegation
17. **Significant Harm:** A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
 - the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
 - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
 - in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
 - the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,;

- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm;
- the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant, is not minor or trivial and, may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being. The significance can result from a single act or omission or an accumulation of these.

6.0 Related Policies, Procedures and Support Documents

Related policies supportive of the Safeguarding Policy include:

- Bullying and Harassment Policy
- Child Protection Policy
- Recruitment Policy
- Safe School Policy
- Tours Policy
- Working with Children Check Policy
- Workplace, Health and Safety Policy

Legislative Documentation

- The United Nations Convention on the Rights of the Child.
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Regulation 2012 (NSW)
- Crimes Act 1990 (NSW)
- The Children's Guardian Act 2019
- Ombudsman Act 1974 (NSW)
- National Catholic Safeguarding Standards (NCSS) and the Catholic Professional Standards Ltd audit programme (CPSL)
- Anti-Discrimination Act 1977