

## Child Protection Policy

**Purpose:** Barker College commits to the safety of all children and young people in a safe, loving and supportive learning environment. The purpose of this Child Protection Policy is to summarise the obligations enforced by child protection legislation on the School and to provide guidelines as to how the School will report and deal with certain matters relating to the safety, protection, wellbeing and welfare of students.

**Scope:** All Barker College Schools and Campuses (Barker College, Darkinjung & Ngarralingayil, Dhupuma Barker and Marri Mittigar School).

### 1.1 General

The safety, protection and well-being of all students is of paramount importance to the School culture. Child safety is embedded in School leadership governance and compliance, and staff are equipped to keep children safe through continual education, awareness and training.

The Head of Barker College, with the School Council, has made a commitment to provide leadership and safe systems to ensure that the School fulfills its' duty of care for students to experience a safe and supportive learning environment. The Commitment Statement to Child Safety is available on the public website and contained in the *Barker College Child Safe Organisation Policy*.

Staff, contractors, volunteers and external providers and the School have a range of different obligations relating to the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
- b) obligations under child protection legislation; and
- c) obligations under work health and safety legislation.

Child protection is a whole School community responsibility.

## PART A: MANDATORY REPORTERS

The *Child Protection* laws in NSW and the Northern Territory provide for mandatory reporting of children at risk of significant harm.

**NOTE: Any concern regarding the safety, welfare or well-being of a student must be reported to the Head of Barker College via the Child Safety Team email**

'Young person' means a person who is aged 16 years or above but who is under the age of 18 years for the purposes of the NSW Care and Protection Act.

For the Northern Territory *Care and Protection of Children Act 2007* a child means a person less than 18 years of age or a person apparently is less than 18 years of age if the person's age cannot be proved.

### 1.2 WHO IS A MANDATORY REPORTER?

Under Section 27 of the *Care and Protection Act* in NSW, mandatory reporters include:

- a) a person who, in the course of their professional work or other paid employment, delivers health care, welfare, education, children's services and residential services or law enforcement, wholly

- or partly, to children; and
- b) a person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, or law enforcement, wholly or partly, residential services, to children,

All teachers are mandatory reporters in NSW as may be other School staff members, including health practitioners such as nurses, physiotherapists and psychologists. Any staff member who is unsure of whether they are a mandatory reporter should speak to the School Head Psychologist or the Head of Barker College.

In the Northern Territory, section 26 (1) of the *Care and Protection of Children Act* requires reporting child abuse, harm or exploitation of children is compulsory for everyone, including people under 18 years of age. If they have *formed a belief, on reasonable grounds* that a child is being harmed or exploited or is likely to be in the future, they must report.

Additional reporting obligations apply to health practitioners under section 26 (2) of the care and Protection of Children Act if they believe, on reasonable grounds, that a young person who is 14 or 15 years of age has been or is likely to be a victim of a sexual offence, and the difference in age between the child and alleged sexual offender is more than 2 years.

## PART B: REPORTABLE CONDUCT

### 1.3 REPORTABLE CONDUCT

#### Definition of Reportable Conduct

The *Children's Guardian Act 2019* (NSW) defines reportable conduct as being:

- a) a sexual offence committed against, with or in the presence of a child;
- b) sexual misconduct with, towards or in the presence of a child;
- c) ill-treatment of a child;
- d) neglect of a child;
- e) an assault against a child;
- f) behaviour that causes significant emotional or psychological harm to a child; and
- g) any offence under section 43B Failure to reduce or remove risk of child becoming a victim of Child Abuse or 316A for concealing a Child Abuse offence of the *Crimes Act 1900* (Cth), whether or not, with the consent of the child.

Reportable conduct does not extend to:

- a) 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
- b) 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
- c) conduct of a class or kind exempted from being reportable conduct by the Office of the Children's Guardian under section 25CA. This requires an agreement with the Office of the Children's Guardian documenting it is satisfied that the Schools' investigative practices have reached an acceptable standard and are confident that this standard will be maintained.

#### Failure to Protect Offence

An adult working in a school will commit an offence if they know another adult working there poses a serious

risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

### **Failure to Report Offence**

Any adult will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse.

## **PART D: WORKING WITH CHILDREN ACT IN NSW**

### **1.4 NSW Schools & Campuses**

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (Check) clearance is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of misconduct involving children. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the clearance being revoked.

The object of the WWC Act is to protect children:

- a) by not permitting certain persons to engage in child-related work; and
- b) by requiring persons engaged in child-related work to have Working With Children Check clearances.

Schools are required to:

- a) verify online and record the status of each child-related worker's clearance;
- b) only employ or engage child-related workers or volunteers who have a valid clearance; and
- c) report findings of misconduct involving children made against child-related workers or volunteers.

All Barker College staff members and other individuals, including contractors, external providers and volunteers are required to:

- a) hold and maintain a valid clearance (WWCC in NSW or Ochre Card in NT)
- b) not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- c) report to the Head of Barker College if they are no longer eligible for clearance, if the status of their clearance changes or if they are notified by the OCG that they are subjected to a risk assessment.

## **WORKING WITH CHILDREN IN NORTHERN TERRITORY**

### **1.5 NT School: Dhupuma Barker**

The *Care and Protection of Children Act 2007* (NT) establishes a comprehensive framework for promoting and safeguarding the wellbeing of children attending Dhupuma Barker School in the Northern Territory. The object of Part 3.1 of the *Care and Protection of Children Act 2007* (NT) is screening for child-related employment 'to ensure individuals who pose an unacceptable risk of harm or exploitation to children are prevented from contacting children through their employment'. An Ochre Card clearance is a prerequisite for anyone in child-related work in the Northern Territory.

The object is to be achieved by prohibiting such individuals from being engaged in child-related employment at Dhupuma Barker School and imposing related obligations on people who are engaged in child related employment and the Head of Barker College who engages them.