



2.6 CHILD PROTECTION POLICY

Responsible Officer	Master
Review Date	2024

1. Purpose

The Child Protection Policy articulates the College's commitment to the protection of children with whom members of its community interact in the course of their employment or residence.

2. Overview

The College aims to provide an environment which protects the safety, welfare and wellbeing of all minors, children, and young people in the College communities.

While minors under the age of consent (under 16 years) are only present within the college as casual guests, or as children of the residential staff, a small number of residents are admitted each year under the age of 18 years (i.e. 'minors').

The College therefore has a duty of care to ensure the safety and protection of minors who visit or reside in the College each year.

Under NSW law, persons who deliver health care, welfare, education, children's services, residential services or law enforcement to children are all mandatory reporters.

However, in NSW, the law relating to mandatory reporting only applies to children under the age of 16. In spite of this, the College has taken the view that in relation to minors, increased scrutiny will apply and, if necessary, reporting **will be undertaken** consistent with the *Children and Young Persons (Care and Protection) Act 1998* and *The NSW Interagency Guidelines for Child Protection Intervention 2006*. In particular, this will be the case in relation to alleged sexual assault, self-harm, evidence of abuse and serious health issues.

3. Scope

The Child Protection Policy applies to all College staff and residents who interact with children and minors through the course of their employment or residency at the college. This policy applies equally to all such persons, regardless of their level of interaction with minors.



This policy recognises that the College owes a duty of care to every resident. The duty of care the College is able to provide in addition to that provided to all residents is limited and as such, the level of care for minors that we will accept, will have limits. This will be communicated to the residents and their families prior to admission.

4. Definitions

Child	In accordance with the United Nations Convention on the Rights of the Child, 'child' or 'minor' means every human being below the age of 18 years.
College	This can refer to New College and New College Postgraduate Village as separate and related entities.
Harm	Any detrimental effect of a significant nature on the minor's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a minor includes even relatively insignificant harm that if cumulative in nature could result in a detrimental effect of a significant nature to the minor if allowed to continue.
Non-residential Staff	Any person on the New College payroll excluding Deans, senior residents and academic tutors.
Senior Residents	Senior Residents are termed Residential Advisers at New College and Senior Residents at New College Postgraduate Village. These are senior student residents employed to provide direct pastoral care for residents. They will have designated building floors or groups for which they are responsible.
Staff	Any person on the New College payroll including senior residents and academic tutors.

5. Policy Statement

For the purpose of this policy, child protection is defined as the practices and procedures adopted by the College to protect minors from harm. Minors in this policy refers to male and female residents, casual guests, and visitors under the age of 18 years.

5.1. Guiding Principles

- 5.1.1. The best interests of the minor are paramount.
- 5.1.2. Each minor is entitled to be treated in a way that supports the principles of privacy (within the limits outlined on admission), ensures and maintains confidentiality and respects their dignity.
- 5.1.3. Each minor should assume that their parents or guardians will be informed about any serious concerns that staff may hold about their welfare or any complaint of harm.
- 5.1.4. All staff have a responsibility to contribute towards the provision of a safe, caring



environment that enables each minor to enjoy an environment that supports their learning and personal development.

- 5.1.5. All instances involving a minor that suggest that the minor has suffered 'harm', is suffering 'harm', or is at an unacceptable risk of suffering 'harm' will be reported in accordance with this policy.
- 5.1.6. Allegations of 'harm' to a minor must be dealt with immediately and diligently.
- 5.1.7. Each person involved in situations where 'harm' to a minor is suspected or disclosed will be treated with dignity, sensitivity and respect.
- 5.1.8. Each person who has access to information regarding suspected or disclosed 'harm' to a minor has an obligation to observe confidentiality.

5.2. Types of incidents that may involve Child Protection Procedures

Any supervision of minors as part of planned college activities (e.g. Bourke Project), or contact within the dormitory and residential areas of the College (common rooms, dining room, games room, and bathrooms), might offer opportunities for breaches of this policy.

5.3. Procedures to be followed to reduce risks

The Board requires the Master and through him the staff, to adopt practices and procedures that provide maximum protection for minors in the care of the College. This includes:

- Police checks for all non-pastoral staff;
- Working with Children Checks for the Master, Deans, Senior Residents and Academic Tutors;
- requiring external clients to provide supervision of minors under their care;
- arrangement of bookings to separate, as much as possible, residents and casual guests;
- use of separate common rooms and bathrooms by non-residential staff wherever possible;
- avoid any behaviour that could be reasonably interpreted as inappropriate touching;
- at all times have another adult present or close by when working in a one-to-one situation with a minor;
- take particular care to respect the personal space of a minor when supervising the sleeping quarters of a minor;
- will not supply alcohol or any controlled substance to a minor in the College;



- ensure that their actions or language cannot be interpreted as sexualising a pastoral/professional relationship;
- not by their actions or words ridicule, demean or intimidate a minor or threaten their sense of personal safety;
- at all times provide a nurturing, safe environment that meets the needs of minors living away from their home whilst ensuring that safe practices in compliance with this policy are implemented.

All staff are expected to:

- Inform the Master of the College of any evidence that a minor may be drinking alcohol or taking illegal drugs.
- Inform the Master of the College of any evidence that a minor's welfare may be compromised i.e. unusually unhygienic room, irregular sleeping patterns, social withdrawal, any signs of injury or emotional distress.

In addition, Senior Residents are expected to make regular checks on the welfare of minors in residence.

Such practices should involve an appropriate code of conduct, appropriate screening by interview to determine whether any past conduct would be likely to cause harm to a child or put them at risk of harm should any staff member have close contact with minors during their stay.

5.4. Guidelines for handling complaints and disclosures of harm

The College will be guided by the following key principles when handling complaints and disclosures of harm:

- 5.4.1. Its highest priority is to protect the College residents.
- 5.4.2. It will demonstrate promptness in handling complaints.
- 5.4.3. It will provide support for victims of serious incidents through professional counselling.
- 5.4.4. It will support the respondent to a complaint with professional counselling.
- 5.4.5. The principles of natural justice will apply to all decisions to be made.
- 5.4.6. Confidentiality is of high priority for victims and those accused of serious matters.
- 5.4.7. The College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint.
- 5.4.8. All residents are made aware at the time of admission to the College that in cases of serious injury, self-harm, illness and illegal behaviour that the College, at the discretion of the Master, may make contact with the resident's next of kin (typically parents).



- 5.4.9. Where there are allegations of criminal misconduct, they will be referred to the police.
- 5.4.10. If a complaint is made against the Master of the College it is to be made through the Company Secretary to the Chairman of the Board.
- 5.4.11. When incidents are reported to police it will usually be necessary to wait for police charges to be laid before instituting any internal disciplinary proceedings. The Master reserves the right to ask any resident to seek alternative accommodation whilst a matter is being investigated if that is in the interests of the College community.
- 5.4.12. The College will keep its insurer informed about serious incidents that have the potential for litigation against the College, its staff or residents.

6. Legal and Policy Framework

The College has obligations as part of its duty of care towards staff and residents of the college. These are set within a broad framework of government legislation and common law that covers individual rights to enjoy safety and protection from harm and harassment.

This includes:

- Child Protection (Working With Children) Act 2012
- [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW)
- [Child Protection \(Offenders Registration\) Act 2000](#) (NSW)
- [Commission for Children and Young People Act 1998](#) (NSW)
- [Ombudsman Act 1976](#) (Cwlth)
- [Working with Children Check Policy, Department of Education and Training 2010](#) (NSW)
- NSW Ombudsman 2015 *Complaint handling at universities: best practice guidelines* ISBN 978-1-925061-24-6, 1 January 2015 (available at <https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/universities/complaint-handling-at-universities-best-practice-guidelines> accessed 10 August 2017)

7. Implementation and Responsibilities

The Master is responsible to ensure that procedures are developed that assist staff and residents to relate appropriately to minors in residence and who visit the college.

8. Review & History

The policy and related procedures will be revised every five years or as key legislation or University policies require its revision.



Superseded Documents		2.6 Child Protection 2.14 Protection of Residents U/18 years of age (Merged)		
Associated Documents				
Version	Authorised By	Sections Modified	Approval Date	Effective Date
1	The Board	5.3, 6 and 9	1 May 2024	

9. Appendix

All pastoral staff mentioned in point 5.3 must pass a current Working With Children Check. Their continuing employment will be subject to satisfactory clearance of a working with children check.

The application process is described at:

<http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

The College will verify that all pastoral staff maintain a valid WWCC. This can be done via:

<https://wwccemployer.ocg.nsw.gov.au/Login>