



PURPOSE

1. The safety and wellbeing of all students at Pembroke School is embedded in the Pembroke School Aims.
2. Adults have a duty to take all reasonable action to actively protect the safety and welfare of children and young people. The School acknowledges its duty and responsibility to do all that is reasonable and practicable to support the safety, care and protection of all students while they are at School or involved in any activities organised by the School.
3. The School seeks to provide opportunities for all students to discover, develop and maximize their individual skills and interests, while creating and maintaining a learning community that encourages and facilitates the social, emotional, physical, mental and spiritual development and wellbeing of our students. The School is committed to achieving an environment where all children are valued, treated with dignity and respect and where they are safe from risk or harm.
4. The School will provide pro-active, preventative and educative strategies to ensure increased awareness of child protection and associated issues. The School will manage and deal with harm or abuse should an event occur. Some forms of harm, abuse or neglect require specialised responses and in the School's view the support for the individuals concerned is paramount. When specialised services are required the School will engage them.
5. The School seeks to adhere to the legislative requirements of the [Child Safety \(Prohibited Persons\) Act 2016](#) and [Child Safety \(Prohibited Persons\) Regulations 2019](#).
6. The School is a "participating institution" in the National Redress Scheme. This Scheme was created in response to recommendations by the [Royal Commission into Institutional Responses to Child Sexual Abuse](#). The Scheme provides support for people who wish to apply for redress following historical sexual abuse experienced as a child. The School's commitment to child protection is the basis for the decision to join the Scheme.

SCOPE

7. This policy defines the School's obligations in relation to its duty of care and compliance with all relevant statutory requirements.
8. The School may also determine that the proper discharge of its duty of care may require a standard of practice beyond statutory compliance.

Reviewed:	February 2018	Reviewed:	August 2020
Reviewed:	January 2019	Author/Reviewer:	Deputy Principal
Reviewed:	August 2019	Next Review Due:	August 2021

9. This policy applies to:
 - 9.1. staff, contractors and volunteers, irrespective of whether or not they work directly with students
 - 9.2. third-party providers and users of our site and or services
 - 9.3. members of the Pembroke School Board
 - 9.4. members of Parent Associations
 - 9.5. parents/carers or any other individuals involved with the School on a regular or occasional basis.
10. This policy applies:
 - 10.1. on and off the Pembroke site(s) – including for example: at camps, on excursions and in the course of any trips organised or supported by the School
 - 10.2. when members of the School community are representing the School
 - 10.3. in relation to boarding and homestays.
11. All persons employed or engaged by the School have a duty and responsibility to report inappropriate conduct of adults towards students.
12. The School's policies and practices are complementary to legislative requirements that operate in relation to the assessments of individuals suitability to work with children or students.
13. The Deputy Principal has overall responsibility for coordinating the management and dissemination of information about child protection matters for staff, students, families and volunteers throughout the School.

POLICY AND PROCEDURE DETAIL

14. The School recognises its specific responsibility to:
 - 14.1. treat all children and young people with respect and dignity
 - 14.2. protect children and young people in their care
 - 14.3. inform students that they have a right to be protected from abuse or neglect
 - 14.4. educate students through the curriculum and pastoral care programmes, about child abuse and neglect
 - 14.5. take into account the culture, language, beliefs or disability of the child or young person
 - 14.6. ensure staff are aware of their legal responsibilities to notify of suspected abuse or neglect and the procedures for notification
 - 14.7. ensure that staff are aware of the indicators of child abuse or neglect, particularly through professional development and training
 - 14.8. take appropriate and decisive action against an employee or others within the School community who have abused or harmed a student
 - 14.9. work with other agencies which have a legislated or other legitimate role in the protection of children.

15. Recruitment, screening and background checks for staff, contractors and volunteers
 - 15.1 The recruitment and screening of staff and volunteers is based on the requirements of the Child Safety (Prohibited Persons) Act 2016 which requires that before a person is appointed to, or engaged to act in, a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in the organisation, a check of the person's relevant history is undertaken in accordance with the regulations.
 - 15.2 Establishing and monitoring a person's suitability to work at or be engaged by Pembroke is one means by which the School meets its child protection obligations. School policies and procedures essential to supporting this policy include but are not necessarily limited to the Working with Children Check policy, Staff Protective Practices policy, Staff Recruitment and Selection policy and the induction and ongoing training of staff.
 - 15.3 Pembroke School is diligent in ensuring that all reasonable actions are taken so that only suitable adults are selected to work or volunteer with our students. The School undertakes screening and assessment of all staff and volunteers to ensure the risk of harm to children is minimised.
 - 15.4 For non-teaching staff, contractors and volunteers this assessment is in the form of evidence of a current and valid Working with Children Check (WWCC) or Child Related Employment Screening.
 - 15.5 Teachers will need to maintain a current Working with Children Check (WWCC) to renew their TRB registration.
 - 15.6 Renewal of a WWCC is the responsibility of the individual. A WWCC is valid for five years.
 - 15.7 Individuals provide evidence of a WWCC by forwarding the email received from the Department of Human Services (DHS) or by providing their full name, date of birth and unique identifier (SRN number). For teaching staff this information should be supplied to the School via the HR Assistant to the Deputy Principal and for non-teaching staff via the Human Resources Manager – Non Teaching Staff.
 - 15.8 Additional to the requirements outlined above, the School may:
 - 14.8.1 undertake face to face interviews
 - 14.8.2 request referee details and obtain reference checks
 - 14.8.3 undertake other background checks.
16. Legislation
 - 16.1. The relevant South Australian legislation is the [Child Safety \(Prohibited Persons\) Act 2016](#) (SA) ('the Act') and the [Child Safety \(Prohibited Persons\) Regulations 2019](#) (SA) ('the Regulations').
 - 16.2. The primary objective of the Act *is to minimise the risk to children posed by persons who work with them.*

16.3. In relation to employers, the Act states:

Clause 17

An employer must not employ a person in a prescribed position unless the employer has:

- a) *obtained from the person their full name, address, date of birth and unique identifier and*
- b) *verified, in accordance with the regulations, that*
 - i. *a working with children check has been conducted in relation to the person within the preceding 5 years and*
 - ii. *the person is not prohibited from working with children and*
- c) *provided to the central assessment unit*
 - i. *the name, address, telephone number and email address of the business at which the person is to be employed and*
 - ii. *the name and contact details of the person who verified the matters referred to in paragraph b)*

Clause 18

- 1) *An employer must not continue to employ a person in a prescribed position unless a working with children check has been conducted in relation to the person within the preceding 5 years and*
- 2) *An employer who employs a person in a prescribed position must, at least once in every 5 year period, verify, in accordance with the regulations, that*
 - a) *A working with children check has been conducted in relation to the person within the preceding 5 years and*
 - b) *The person is not a prohibited person.*

17. Expectations of staff, contractors and volunteers in relation to Child Protection

17.1. The School has the expectation that all employees, contractors and volunteers are aware of their responsibilities in regard to:

- 17.1.1 providing supportive, respectful and engaging learning environments where students observe and are taught positive life skills and values
- 17.1.2 being vigilant and able to recognise when a child or young person's wellbeing or safety is compromised and taking appropriate and timely action
- 17.1.3 adapting programmes and providing support for children or young people who have been harmed through abuse or neglect
- 17.1.4 providing appropriate supervision of students with consideration of
 - the ratio of adults to students, based on the students' ages
 - the purpose, type and location of activity
- 17.1.5 appropriate dealings with students including professional boundaries, social contact and working one on one. Guidelines for these situations are available in [Protective practices for staff in their interactions with children and young people](#) (2017). This document has been prepared collaboratively between DECS, Association of Independent Schools of SA (AISSA) and Catholic Education South Australia.
- 17.1.6 the use of electronic communication including emails, mobile phones and social media sites. The [Staff Protective Practices](#) policy provides detailed guidelines as to appropriate forms of communication between staff and

students. Staff email communication with students should be via the School email network and not personal email addresses. Caution must be used with regard to use of personal mobile phones. They may be a useful organisational tool for sport, School trips etc. If texts are exchanged between staff and students that are anything other than routine administration, the existence and nature of these texts should be disclosed to a member of the leadership team. A record of these texts should be maintained by the staff member and be available to the School on request.

The use of texts for ongoing counselling or support is not appropriate - and where texts of this nature are exchanged, it is vital that students are directed to appropriate support from School personnel or outside agencies. Ongoing text messages on a private or School device place the student at risk of forming an inappropriate dependency on the staff member and may result in the staff member exposed to possible allegations of boundary violations.

Staff must not accept or initiate contact with students as “friends” via social media such as Facebook or similar sites.

- 17.2. The School provides employees, contractors and volunteers with appropriate support and training to fulfil these expectations. This is achieved through readily accessible School Policies, strong pastoral care culture, and ensuring current Responding to Abuse & Neglect Training is maintained.
18. Responding to Abuse & Neglect - Education and Care (RAN-EC) Training
- 18.1. All school employees are required to undertake the full day *Responding to Abuse & Neglect – Education and Care (RAN-EC) Training* prior to commencement. Teaching staff must complete this full day course to obtain their registration with the Teachers’ Registration Board of SA.
- 18.2. Staff are required to undertake regular update of this training at least every three years. The update is available via on-line training and can be accessed at [plink - professional learning link](#). A current certificate must be provided to the School prior to commencement in a role or expiration of an existing certificate. Staff who allow their RAN-EC training expire for a period of greater than one month will be required to complete the full day training, rather than the update.
- 18.3. Sport coaches, Artists in Residence and all others who work directly with children as contractors but are not employed by the School are required to complete the Responding to Abuse & Neglect Training for volunteers via [plink - professional learning link](#). This training must undertaken prior to commencing their role.
- 18.4. Volunteers are not required to undertake the full day Responding to Abuse & Neglect – Education and Care training, however they are encouraged to complete the online volunteer training via [plink - professional learning link](#). Volunteers should undertake the training prior to commencing in their role.
19. Notification in cases of suspected child abuse or neglect
- 19.1. The [Children and Young People \(Safety\) Act 2017](#) requires notification of abuse or neglect if:
- 19.1.1 the person suspects on reasonable grounds that a child or young person is, or may be, at risk and
- 19.1.2 the suspicion is formed in the course of the person’s employment.

19.2. At Pembroke notifiers would include any:

19.2.1 member of staff

19.2.2 contractor, sports coach, peripatetic, artist in residence, gap student etc

19.2.3 volunteer

who is engaged in the delivery of services to children, or who supervises or is responsible for providers of services to children. Any person in such a role **must** notify the [Child Abuse Report Line \(CARL\)](#), telephone 13 14 78, as soon as practicable if they suspect on reasonable grounds that a child has been or is being abused or neglected.

A suspicion is sufficient reason for notification, proof is not required that abuse or neglect has occurred or is likely to occur. It is the role of the Child Abuse Report Line to determine whether the notification should be investigated.

19.3. Notifiers may have suspicion on reasonable grounds if:

19.3.1 the child tells them that they have been abused or neglected

19.3.2 observations of a particular child's behaviour or knowledge of the child leads them to suspect that abuse or neglect is occurring

19.3.3 a child tells them that they know someone who has been abused or neglected

19.3.4 someone reliable such as relative, friend, neighbour or sibling tells them of the abuse or neglect of a child.

Pembroke have sub school guidelines for assisting students in making a disclosure.

19.4. For clarification of what may be considered child abuse or neglect, see: [Indicators of Abuse or Neglect](#) on the Department for Child Protection website.

19.5. Staff and volunteers must complete the hard copy Mandatory Notification Record as soon as is reasonably practicable after making a notification. The form must be printed, completed and delivered in person to the Deputy Principal. Should the allegation involve the Deputy Principal, the form should be delivered in person to the Principal.

19.6. Should the allegation involve the Principal, the Chair of the School Board must be informed of the notification.

20. Allegations of sexual misconduct

20.1. Allegations of sexual misconduct may be made by a student, a staff member, a parent, a volunteer or member of the public.

20.2. The obligation to report and respond to allegations of sexual misconduct applies irrespective of whether the accused adult is still working or volunteering at the School.

20.3. Sexual misconduct includes, but is not limited to, sexual assaults of all kinds, unlawful sexual behaviour including such offences as being in possession of child pornography, grooming a student to engage in a sexual encounter and acts of gross indecency.

20.4. Staff and volunteers do not need to determine whether an alleged behaviour is sexually motivated. It is however necessary to report all inappropriate behaviour as per the [Protective Practices](#) guidelines.

20.5. It is essential that any allegation of sexual misconduct is documented. Written records of all conversations should be made either during the course of the conversation or immediately after. The written record should include:

- Name of the person making the allegation (complainant)
- Date and time the allegation was reported
- Age, gender and role of the complainant
- Name of the accused person
- Role of the accused person
- Name of the victim (if not the complainant)
- Age and gender of the victim
- Allegation details. This should be recorded as it was reported by the complainant.
- Name of the person in receipt of the complaint
- Signature of the person receiving the complaint.

An example of a written record can be found in Appendix 3: Record of allegation in the document [Managing allegations of sexual misconduct in SA education and care settings](#) a joint publication of the Department for Education, Catholic Education (SA) and Association of Independent Schools of SA (AISSA).

20.6. This record should be kept in a secure place, accessed only by the Principal or their delegate. The identity of the alleged victim is to be kept strictly confidential.

20.7. Any allegations are addressed fairly and expeditiously, having regard to the interests of all those involved and all the circumstances.

20.8. The School has an ongoing responsibility for the wellbeing and safety all students, not only the student(s) affected by the allegation.

21. Immediate steps in managing allegations of sexual misconduct

21.1. The safety and care of the victim is the paramount consideration. The child's immediate medical and emotional needs must be made the highest priority.

21.2. Any allegation of sexual misconduct reported to a member of staff or volunteer should be advised to the Principal, or the Deputy Principal in the Principal's absence. If the allegation involves the Principal a report should be made to the Chair of the School Board.

21.3. The Principal or their delegate must take the following steps after ensuring the safety and care of the child has been attended to. The sequence of steps may vary according to the individual situation.

- Report the allegation to SA Police. SA Police will provide advice on restricting the accused adult's access to students, preservation of evidence and contact with the victim's parents.
- On the advice of SA Police, prevent the accused person from having any further contact with students.
- Notification to the Child Abuse Report Line (CARL)
- Preservation of evidence. This may include actions such as blocking access to the School's computer network or locking a room where an incident may have occurred.
- Inform AISSA of the allegation.
- Inform the victim's parents and/or guardians of the allegation. This should be done in consultation with the SA Police.

- In consultation with SA Police and AISSA), inform the accused person of the allegation and take appropriate action regarding leave/employment/engagement options. In some circumstances SA Police may ask that the Principal or their delegate not to indicate to the accused person that an allegation has been made.
 - Document all information/conversations/actions and store the records in a confidential and secure place.
22. Further action after allegation of sexual misconduct
- 22.1. Liaison between the School, SA Police and AISSA should take place to consider:
- the future employment/engagement of the accused person
 - the provision of counselling and support
 - the undertaking of risk assessment
 - the provision of information to the School community.
- 22.2. The School reserves the right to take any or further action, even if the relevant external authorities or the police do not propose any further action, in order to fully and properly discharge the School's duty of care obligations to all students.
23. Matters pertaining to workplace relations
- 23.1. The School may suspend a member of staff on full pay pending the investigation of the alleged abuse. The School may also impose conditions, as it deems appropriate in all the circumstances, to apply during any period of suspension.
- 23.2. If an allegation of misconduct is, upon investigation, sustained, the School may take appropriate disciplinary action, including dismissal, in relation to the employment of the member of staff. The matter may also be referred to external authorities such as SA Police.
24. Obligations of the School to report to the Teachers Registration Board (SA)
- 24.1. Under Part 7, Section 37 of the [Teachers Registration and Standards Act 2004](#), the Principal has an obligation to submit a written report to the Teachers Registration Board (SA) if the School:
- has dismissed a practising teacher in response to allegations of unprofessional conduct
 - accepts the resignation of the teacher following allegations of unprofessional conduct
 - is otherwise directed by the Teachers Registration Board (SA).

RELATED DOCUMENTS

[Child Safety \(Prohibited Persons\) Act 2016](#)

[Child Safety \(Prohibited Persons\) Regulations 2019](#)

[National Redress Scheme](#)

[Child Safe Environments - Principles of Good Practice](#)

[Protective practices for staff in their interactions with children and young people](#) - (joint publication of DECD, AISSA and Catholic Education Office – revised 2019

[Managing allegations of sexual misconduct in SA education and care settings](#) - 2019

[Responding to problem sexual behaviour in children and young people - guidelines for staff in education and care settings](#) revised 2019

[Guidelines – Student Disclosure Junior School](#)

[Guidelines – Student Disclosure Middle and Senior School](#)

[Teachers Registration and Standards Act 2004](#)

[Reporting Child Abuse](#) Department for Child Protection

[Mandatory Notification Record](#)

[Staff Protective Practices Policy](#)

[Working with Children Check \(WWCC\)](#)

[Media Engagement Policy](#)

[Managing Parent Complaints Policy](#)

INTENDED AUDIENCE

School Board

Staff

Volunteers

Sports Coaches

Peripatetic Tutors

Parents

Parent Committees

Old Scholars Association

Contractors