CHILD PROTECTION

Background
Alterations to the South Australian Child Protection Act 1993 and accompanying Regulations include reference to the Lutheran Schools Association [LSA] as a responsible authority - refer to section 8B (8) of the Act and Regulation 6 (3).

8B—Powers and obligations of responsible authority in respect of criminal history
8B—In this section—responsible authority means -
(a) for a government organisation—the Chief Executive; or
(b) for a non-government organisation to which this section applies -
(i) the managing authority of the organisation; or
(ii) if the managing authority has delegated its responsibilities under this section to a body approved by regulation for the purposes of this definition - that body.

6—Powers and obligations of responsible authority in respect of criminal history
6—For the purposes of the definition of responsible authority in section 8B (8) of the Act, the following bodies are approved bodies:
(a) the Association of Independent Schools of South Australia Incorporated;
(b) the Catholic Church Endowment Society Incorporated;
(c) the Lutheran Schools Association of South Australia, Northern Territory and Western Australia Incorporated.

Therefore, all South Australian members of the LSA are to be seen as delegating their authority to the LSA. Section 8C—Obligations of certain organisations of the Act requires that the LSA ensure that all members, as soon as practical after 1 January 2008, have in place appropriate Policies and Procedures for ensuring
(a) that appropriate reports of abuse or neglect are made and;
(b) that child-safe environments are established and maintained within the organisation as defined in Regulation 7 (2).

Regulation 7 (2) requires that Policies and Procedures must
(a) take into account guidance provide by Chief Executive (CE) of Dept of Families and Communities (DF&C) on appropriate standards of conduct for adults in dealing with children;
(b) reflecting the appropriate standards of care for ensuring the safety of children as defined by the CE of DF&C;
(c) reflecting the standards developed and issued by the CE of DF&C to be observed in dealing with information obtained about the criminal history of employees and volunteers.

1 From the Act
2 In accordance with Part 4 of the Act
4 Child-Safe Environment: Standards for dealing with Information obtained about Criminal History of Employees and Volunteers Who work with Children November 2007
Furthermore, under the revised Act, LSA schools have a greater duty-of-care in regard to child protection and may be considered not fulfilling that duty if they do not co-operate with other schools in the matter of student suicide. Eg:

From section 3 of the Act:
The objects of this Act are -
(c) to promote caring attitudes and responses towards children among all sections of the community so that the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood, risks to a child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided; and

Recent research has shown that in the matter of student suicide,
- Students quickly find out about a suicide and talk about it;
- Knowledge of student suicide increases risk of suicide by vulnerable students;
- Prompt school response is critical;
- Media intrusion can increase risk.

The three sectors (DECS, CESA and AISSA) have:
- established communication arrangements – to speed notification so that appropriate action can be put in place;
- established links with mental health providers and police;
- developed post-vention guidelines to be used by schools following a suicide.

The Chief Executive of the Department of Families and Communities has been delegated the responsibility of:
- providing guidance and standards of conduct;
- standards of care;
- recruitment and supervision of staff;
- criminal history for employees and volunteers.

Finally, schools engaging in international student exchange, short-term cultural exchange and long-term must have in place the appropriate policies and child protection procedures necessary to meet their duty-of-care obligations to in-coming and out-going students. Guidelines are available from the Australian and South Australian Governments.

**Action by the LSA**
The LSA has developed the Policies and Procedures attached to provide a minimum approach to be adopted by each member school and shall include:
1. providing child-safe environments;
2. dealing with student suicide;
3. standards for dealing with information obtained about the criminal history of employees and volunteers who work with children;
4. mandatory notification training.

Attached are the documents to enable schools to put in place all the requirements to comply with the legislation:

1. **LSA Child Protection Policy** Contains all the concepts needed for schools to include in a policy.

2. **LSA Critical Incident Management Plan**
   Schools need to be prepared to respond to any critical incident that may occur.
   Existing school policies on this matter should be reviewed to ensure that they cover the content of this document, especially student suicide.

3. **LSA Recruitment, Selection and Screening of Staff Policy and Procedure**
   Schools need to review current practices and include the stringent practices outlined in this document.
This document should be read in conjunction with the complaints procedure in our Collective Agreement (Preserved State Agreement). The two procedures are not to be viewed as contradictory. Rather that in Schedule 11 Clause 5.3 provides a branch point from the complaints procedure to other procedures.

5. LSA Mandatory Reporting Policy and Procedures
This policy deals with legal and moral obligations that staff in our schools have for the care and protection of children and for reporting information about child abuse.

6. LSA Protective Practices for Staff in Their Interaction with Students
This document provides advice to staff about the requirements of them in their interaction with students.

7. LSA International Secondary School Students Exchange Programs Policy and Procedures
This document provides a framework for managing the child protection aspects of students participating in secondary schools exchange programs in our schools.

8. LSA Child Protection for International Students – National Code
This document provides assistance with aspects of the National Code relating to the safety and welfare of overseas students and describes what schools need to do to ensure they fulfil their duty-of-care to these students.

Summary
The LSA Child Protection Policy is to be adopted as a component policy of the LEA Valuing Safe Communities Policy.

South Australian schools are to note that the Child Protection Act is seen as delegating authority to the LSA and are to ensure that appropriate local school policies that meet the requirements of the LSA Policy are in place by the end of term 2 2009.

The LSA Child Protection Policy is provided to schools in NT and WA for inclusion in their Child Protection Framework by the end of term 2 2009.

Barry J Kahl
Director
January 2009
Child Protection Policy

Lutheran Schools Association
South Australia
Northern Territory
Western Australia

January 2009
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LSA Child Protection Policy

1. Overview

The Lutheran School is an agency of the Lutheran Church of Australia (LCA) through which the Church seeks to carry out its ministry and mission to the people of Australia.

The Lutheran Schools Association (LSA) is the system authority for schools under the auspices of the LCA in South Australia, Western Australia and the Northern Territory. LSA provides support, encouragement, leadership and resources for school communities as they fulfil their educational responsibilities within the context of Christian ministry and as they live out the vision, ethos and values that the LCA has for its schools and for all who work and learn within them.

A central belief of the LCA is that each person has intrinsic value given that all are created in the image of God. Thus, Lutheran schools seek to be safe and healthy places for all where compliance with legal requirements can be demonstrated and where caring, cooperative and respectful relationships contribute to supportive communities that reflect the values of the gospel of Jesus Christ.

The framework, *Lifelong Qualities for Learners*, defines the ethos of Lutheran schools: ‘As central to their ministry and mission, Lutheran schools seek to nurture individuals who are aware of their humanity, open to the influence of the Holy Spirit and growing in and living according to a cohesive world view while living in community and reflecting characteristics of God through core values, especially love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation’.

Child protection is a key priority in upholding this ethos. Schools play a vital role in creating safe environments for children and young people where the physical, social and psychological wellbeing of each individual is valued and protected and where each child’s wellbeing and interests is upheld through explicit strategies for prevention, protection and support.

A child-safe school:

- ‘Takes a preventative, proactive and participatory stance on child protection issues’ (Child Wise Choose with Care p.18). The safety and wellbeing of children is a paramount consideration when developing activities, policies and management practices;
- is one that values and embraces the opinions and views of children;
- encourages and assists children to build skills that will assist them to participate in society;
- takes action to protect children from physical, sexual, emotional and psychological abuse and neglect.

Creating child-safe environments is a dynamic process that involves active participation and responsibility by individuals, families, government and non-government organisations and community groups. Sharing responsibility for the care and protection of children helps to develop a stronger, more child-focused community. A child-safe community can:

- care for all children;
- identify vulnerable children;
- support children who have been abused and neglected; and
- prevent further harm to children.

The focus of a child-safe organisation is not simply to create an environment free from risk or danger. Rather it is about building an environment which is both child-safe and child-friendly, where children feel respected, valued and encouraged to reach their full potential.

(Families SA, Child-Safe Environments: Principles of Good Practice, p.5)
2. Purpose and Scope

Every child has a right to be safe from harm at all times. The wellbeing and best interests of children are the responsibility of the entire community. Child protection legislation in each state aims to ensure that children are safe from harm and cared for in a way that allows them to reach their full potential. The Lutheran Schools Association is committed to the care, safety and protection of all children attending its schools. The responsibility of those schools extends beyond academic success to the intellectual, physical, social, emotional and spiritual development of children and provision of caring and supportive learning environments in all schools.

The purpose of this Child Protection Policy is to promote and enhance the safety and welfare of children in Lutheran schools.

It is the core policy that underpins a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools and therefore should be read in conjunction with the following documents:

- LSA Protective Practices for Staff
- LSA Staff Selection and Screening Policy and Procedures
- LSA Mandatory Notification Policy and Procedures
- LSA Critical Incident Policy and Procedures
- LSA Child Protection Complaints Process
- LSA International Student – Child Protection Policy and Procedures
- LSA International Student Exchange – Child Protection Procedures
- LEA Valuing Safe Communities (2009)

By implementing these and a range of individual school policies and programs, Lutheran schools seek to:

- provide guidance on appropriate standards of conduct for adults in dealing with children;
- define appropriate standards of care for ensuring the safety of children;
- provide guidance on the recruitment and supervision of employees of Lutheran schools;
- provide guidance on the standards to be observed in dealing with information obtained about the criminal history of employees and volunteers who work with children in Lutheran schools.

Lutheran schools recognise that the primary responsibility for a child’s care and protection lies with the family, and therefore acknowledge the need to work together with parents and care-givers. Nevertheless, everyone working in a school is responsible for the care and protection of children and for reporting information about child abuse concerns such as neglect or physical, sexual and emotional abuse. Staff, given their close interactions with students, plays an important role in the detection of child abuse and the provision of support and assistance to children who are abused or at risk of abuse.

3. Legislation and Compliance

Under the various state child protection legislation and non-government school registration requirements, schools have detailed legal responsibilities with respect to child protection. These include ensuring that child-safe environments are established and maintained within the school and that instances of child abuse are reported to the relevant authorities.

The LSA, as a system authority, has a responsibility to ensure that schools comply with child protection legislation in their respective states.

The Non-Government Schools Registration Board (NGSRB) requires schools to have Child Protection Policies in place that will be reviewed as part of the Registration Review. Non-compliance may result in removal of the school’s registration and prosecution.
International Legislation

The Convention emphasises that:

- all children have equal rights to protection from abuse and neglect;
- all children should be encouraged to fulfil their potential and inequalities should be challenged;
- organisations shall take all appropriate legislative administrative, social and educational measures to protect children from all forms of abuse, neglect or negligent treatment while in their care;
- organisations have a duty-of-care to children with whom they work and with whom their agents, contractors and subcontractors work.

The Universal Declaration of Human Rights, 1998 is also relevant.

Australian Child Protection Legislation

Family Law Act 1975 (Cth)
National Child Protection Framework (currently under development, 2008)

The principal child protection acts in the states within the management of the LSA are listed below, along with other Acts of Parliament pertinent to the operation and delivery of various services to children and families in those states. In addition, there are links to websites where Acts of Parliament can be downloaded.

Northern Territory
Family and Children's Services, Department of Health and Community Services

Principal Acts:
Community Welfare Act 1983 (NT)
Care and Protection of Children Draft Act (NT)(currently before Cabinet)

Other Relevant Acts:
Education Act 1979
Work Health (OH&S) Regulations 1992
Freedom of Information Act 2002
Disability Services Act 2004 (NT)
Administrative Decisions (Judicial Review) Act 2004
Child Protection (Offender Reporting and Registration) Act 2004
Information Act 2006 (NT)
Criminal Code Act 2006 (NT)

Western Australia
Department for Child Protection

Principal Acts:
Children and Community Development Act 2004 (WA)

Other Relevant Acts:
Criminal Code Act 1913
Child Welfare Act 1947
Community Services Act 1972
Equal Opportunity Act 1984
Disability Discrimination Act 1992
Adoption Act 1994 (WA)
Family Court Act 1997 (WA)
Working with Children (Criminal Record Checking) Act 2004 (WA)
South Australia
Families SA; Department for Families and Communities

Principal Acts:
Children’s Protection Act 1993 (SA) - see over for further information

Other Relevant Acts/Legislation:
Young Offenders Act 1994 (SA)
Adoption Act 1988 (SA)
Children’s Protection Regulations 2006 (SA)
Family Law Act 1975 (Cth)
Family and Community Services Act 1972 (SA)

4. Policy Principles

4.1 Each person has intrinsic value given that all are created in the image of God.
4.2 God wants us to love each other as He loves and not to abuse the relationships in which He has placed us.
4.3 A safe school is one where the physical, social and psychological wellbeing of each individual is valued and protected at school and at any event supported by the school.
   a. All people who care for children must act in the best interests of the child and take all reasonable steps to ensure the child’s safety.
4.5 Everyone affected by the work of the school (children, young people, their families, staff, management, volunteers) has a responsibility to participate in child-safe practices and should therefore be encouraged to make suggestions and voice concerns.
4.6 Schools have a duty-of-care to children with whom they work and with whom their agents, contractors and subcontractors work.
4.7 Fear, denial, entrenched culture, lack of resources and complacency are deemed to be barriers to a safe community.
4.8 Any form of child abuse in a community is to be taken seriously – this includes fulfilling legal and moral obligations to report abuse (or suspicions of abuse) to children or young people.
4.9 Verbal information and documents relating to allegations of child abuse should be treated with appropriate confidentiality.
4.10 Quality leadership is an essential element that underpins the creation of a safe and supportive environment.
4.11 Schools have a responsibility to develop and implement policies, programs and processes for nurturing a safe environment that are proactive, oriented towards prevention and intervention, and to engage the wider school community in doing so.
4.12 Policies and programs should be regularly monitored and evaluated so that decisions and improvements are based on evidence.
4.13 Roles and responsibilities of all members of the school community in promoting a safe and supportive environment should be explicit, clearly understood and disseminated.
4.14 In-service professional development is critical in creating a safe and supportive school environment.
4.15 Schools have a responsibility to provide opportunities for students to learn the knowledge, skills and attitudes needed for positive relationships.
4.16 Fear of abuse or harassment allegations should not interfere with the development of healthy relationships.
5. Policy Statements

IMMANUEL LUTHERAN SCHOOL GAWLER is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child-safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for children and young people.

In recognition of IMMANUEL LUTHERAN SCHOOL GAWLER’S duty-of-care to its students while they attend school or take part in activities authorised by the school, we undertake to:

a) take all reasonable steps to provide suitable and safe premises;
b) take all reasonable care to provide procedures to ensure that no child is exposed to inappropriate risk or harm;
c) encourage the disclosure of any possible inappropriate behaviour;
d) address any concerns about a child’s welfare;
e) fulfil legal and moral obligations to promptly report any child protection concerns.

6. Definitions and Terms

Child Protection Concerns
A child protection concern may arise from any action or inaction which is inconsistent with the care or protection of a child. This may include physical, emotional or sexual abuse or neglect of a child. It may involve repeated or persistent maltreatment, or it may arise out of a single incident. It may be observed evidence of risk or indicators, reports of maltreatment by a person without parental responsibility for the child and/or disclosure of information provided directly by the child or parent/care-giver that describes or alleges maltreatment.

School
Pre-schools, kindergartens, early learning centres, out-of-school hours care and vacation care services, junior primary, primary, secondary, senior secondary schools and any associated boarding facilities.

Staff
All employees, paid work-place participants, volunteers, contractors and subcontractors.

Students
All children and young people enrolled at or attending the sites defined under school, including international and exchange students.

7. Policy Implementation

IMMANUEL LUTHERAN SCHOOL GAWLER is committed to taking a preventative, proactive and participatory stance on child protection issues through the development of a culture of awareness and accountability. In particular, the school acknowledges the following responsibilities to:

1. identify and analyse and evaluate risks of harm and to implement strategies to minimise and prevent risk;
2. develop appropriate policies and procedures to establish child-safe environments. These policies and procedures must reflect the standards and principles of good practice;
3. publish and promote the school’s child protection policies and procedures;
4. fulfil state requirements for reporting child abuse, neglect and maltreatment;
5. demonstrate that we understand child abuse and acknowledge the damage an incident of abuse would do to the child, their family, people within and outside of the school community and to the school itself;
6. develop and maintain an open and aware culture towards child safety and protection through communication and consultation;
7. establish clear boundaries defining the roles of staff in relation to children;
8. adopt best practices in staff recruitment and selection;
9. fulfil legal and moral obligations to screen all staff and volunteers;
10. ensure that staff and volunteers are supported and supervised and to provide adequate staff to supervise children;
11. implement a clear complaints procedure for reporting concerns;
12. empower and encourage children to participate in safe school programs;
13. provide training in the elements of a child-safe school and ensure that staff and volunteers know and fulfil their moral and legal responsibilities to protect children and young people;
14. establish and maintain safe environments for children.

IMMANUEL LUTHERAN SCHOOL GAWLER seeks to fulfil these responsibilities by implementing the policies and procedures in:
- LSA Protective Practices for Staff
- LSA Staff Selection and Screening Policy and Procedures
- LSA Mandatory Notification Policy and Procedures
- LSA Critical Incident Policy and Procedures
- LSA Child Protection Complaints Process
- LSA International Student – Child Protection Policy and Procedures
- LSA International Student Exchange – Child Protection Procedures
- LEA Valuing Safe Communities (2009)

The school should list its current relevant policies:
- Behaviour Management Policy
- Anti-harassment and Bullying Policy or Student Code of Conduct
- Occupational Health and Safety Policy
- Privacy Policy
- Illicit Drugs Policy

IMMANUEL LUTHERAN SCHOOL GAWLER also seeks to fulfil these responsibilities through the following programs:
The school should list its programs, which may include:
- Valuing Safe Communities Training for all Staff (2009)
- Peer Support
- Bounce Back
- Mind Matters
- Buddy Program
- Cyber Safety Program
- Protective Behaviours Program for Students
- Training for Those Responsible for the Recruitment and Selection of Staff and Volunteers

Each staff member will be asked to sign a declaration that they have read and understand this Child Protection Policy.
LSA Critical Incident Management Plan

1. Introduction

Lutheran schools have a heart. They care for the inner needs of students and staff as they struggle with psychological, social and physical challenges.

Lutheran schools believe in ‘Deus crucifixus’ and the heart principle – the mystery that the God who became flesh and suffered on the cross continues to suffer with those who struggle with despair. In crises, God is with us and supporting us as we work through the challenges. At IMMANUEL LUTHERAN SCHOOL GAWLER we believe that crises of communal significance need to be dealt with in a caring, consistent and comprehensive fashion.

The following plan provides a response to such situations.

2. Purpose and Scope

This document is designed to assist schools in responding to critical incidents that may occur within the school community, a process known as post-vention. It aims to support communities in grief and to guide schools in managing crises.

By critical incident, we mean any significant loss or incident that will have an impact on a part or the whole of the school community. This might be:

- bereavement through death(s) of student(s) and/or staff in the school community, through accident, illness, suicide or crime;
- severe injury to a member or members of the school community, attempted suicide;
- destruction of school property and resources occasioned by natural disaster or an act of vandalism.

In the latter cases, only the relevant recommendations will apply.

These guidelines form part of a set of child protection policies that have been developed and endorsed by the Lutheran Schools Association for use in its schools. This particular policy incorporates key elements of policies that have been developed collaboratively by the Department of Education and Children’s Services, Catholic Education South Australia and the Association of Independent Schools of South Australia. All sectors are committed to promoting consistent child protection standards across schools.

Throughout section 1, additional notes are provided for responding to the tragic occurrence of completed, attempted or suspected suicide within the student community. It is recommended that schools refer to the document Suicide Post-vention Guide, at http://www.decs.sa.gov.au/docs/documents/1/SuicidePostventionGuide-1.pdf.

In section 2 some recommendations are included for school management in the event that one of the students attending the school should become terminally ill.
Suicide

In the past suicide was sometimes treated as a taboo subject. Today we have a much better understanding of the connections between mental health and suicide and we appreciate that some level of openness about suicide is necessary for the protection and promotion of wellbeing in young people.

A student’s attempted, completed or suspected suicide is, in itself, a traumatic event for a school community. However, it can also contribute to an increased risk of suicide in other vulnerable students and members of the student’s family. International research has identified the phenomenon of suicide “contagion” where a vulnerable person’s knowledge of, or exposure to, a suicide increases the likelihood of them viewing suicide as an option. For this reason suicide postvention represents a rare but essential component of a school’s contribution to suicide prevention. Identifying, referring and supporting vulnerable students are tasks that all schools undertake as part of their normal health promoting practice. After a student suicide or attempted suicide this work is intensified and becomes a significant focus of a school’s long term postvention work.

Containing the spread of information about an attempted or completed suicide is almost impossible given that young people can communicate with each other instantly and globally. It is also counterproductive to stop young people from sharing their feelings about such a profound event. Therefore, the best way for schools to manage the impact of suicide on young people is to take as much control as possible over what and how information is shared between students, parents and staff. This process partly relies on a degree of understanding and cooperation from the bereaved or affected family which, in rare cases, may not exist either initially or later. These guidelines outline the tension schools may need to manage in respecting the wishes of family and at the same time meeting their duty of care to others. Staying connected with the bereaved/affected family will help the school be aware of the family’s wishes and, over time, will provide an opportunity to share the school’s aims in supporting other students.

While schools should respect a family’s wishes in the way they refer to a young person’s death or attempted suicide they must also take action in communicating with, supporting and monitoring the rest of the school community. Inaction is not an option.

“Schools need to have emergency plans on hand to inform school staff, especially teachers, and also fellow pupils and parents, when suicide has been attempted or committed......the aim being to prevent a cluster of suicides. A suicide cluster may involve not just children or adolescents who know one another; even young people who are far removed from or entirely unknown to suicide victims may identify with their behaviour...... Schoolmates, school staff and parents should be properly informed about a student’s suicide or attempted suicide and the distress caused by such an act should be worked through.”

1 Preventing Suicide
   A Resource for Teachers and other School Staff
   World Health Organization
   Geneve 2000
   WHO/INH/MBD/00.3, p15 and 18

Source: Suicide Post-vention Guide, at
Section 1: Critical Incident Management Plan

Objectives
- to facilitate and control the imparting of information;
- to provide safe processes for the expression of collective grief;
- to be aware of and provide support for the grief responses of those closely affected by the death(s) or other loss event;
- to provide a short-term educational process to help students understand loss and grief;
- to return to normality within the school as soon as possible, thus providing a network of security in a time of shock.

Preparation Prior to a Critical Incident

Establish Critical Incident and Counselling Team
The critical incident team will consist of
- Principal
- School Counsellor
- School/Congregation Pastor
- Business Manager
- Head of Sub-School
Other staff may be included as appropriate.
The tasks relating to the management of the two aspects (Critical incident and Counselling) are allocated to members of this group as deemed appropriate in the event; the SCHOOL PRINCIPAL will act, wherever possible, as the critical incident team-leader, and SCHOOL COUNSELLOR will act as the school counselling team-leader.

Prepare a List of Emergency Support Agencies
The list, with contact details, should include people and agencies from outside of the school that can provide emergency support and help.
- The Relevant Mental Health Agency
- Counselling Support Staff from Other Lutheran Schools
- Pastor/Minister from Other Churches in the Area

Identify Appropriate Counselling and Withdrawal Areas
These are areas which can, at very short notice, be made available for the individual and small-group care of those most immediately affected by the critical incident. They should be centrally located and provide a sympathetic atmosphere, reasonably secure from noise and outside observation, and safe for confidentiality. Such areas (or other areas with some adult supervision) should also be available for individual students or small groups to withdraw to for reflection and mutual consolation.
The designated areas are
Principal’s office
Meeting Room
School Counsellor’s Office

Establish a List of Grief Responses and Distress Signals
The counselling team prepares a brief statement, outlining the grief responses that the staff may expect to encounter amongst themselves, and the students in the case of a critical incident. The statement stresses that there is a variety of possible responses and that different people will respond differently. It also outlines typical distress signals that students may give.
This statement should be reviewed periodically in appropriate forums and be ready for immediate distribution to staff in the event of a critical incident.

Establish a List of Information for Teachers
See the information under the heading of Inform the Students in the section The First 24 Hours.
Immediate Response

Ensure the immediate safety of community members if an on-site event - eg providing first-aid, lock-down procedures, contacting ambulance and police, quarantining areas or substances.

Any adult who first receives information of the critical incident event immediately contacts the principal (or school nominee).

Ensure that affected students/staff/parents are not left alone.

Suicide/Attempted Suicide
- Call emergency services.
- Administer first-aid as necessary.
- If the student is physically unharmed contact the relevant Mental Health Service.
- Move witnesses to pre-established safe locations where they must be supported and supervised by staff/counsellors until police have taken statements or advised of other actions.
- Isolate the site from student and unauthorised staff access by using screens, blocking corridors, using lock-down procedures. Do everything possible to protect others from viewing the site without disturbing the area or removing items, as police will need to inspect.
- Begin to consider whether changes to the environment or access to materials are necessary. Staff and students exposed to the suicide (or attempt) should not be left alone but should be comforted and supported.

If it is not a School-Based Event
- Do not ignore rumours, suicide notes, emails, messages. Immediately investigate.
- If the student is found safe at school organise follow-up counselling.
- If the student cannot be located at school make contact with the family. If the family is unaware of the student’s whereabouts, contact the police.
- Suicide reports made by other people should be verified with police, hospital staff or, with extreme sensitivity, the family.

First 24 Hours

In the case of an incident occurring at the school (or at a school activity), the principal (or nominee) contacts the relevant authorities and the family.

In the case of an incident occurring outside of school time, the principal verifies the accuracy of the information received with the family concerned and/or the relevant civil authorities - eg police, hospital. This information may need to be updated on subsequent occasions.

The principal also determines with the family concerned what information is to be shared with the school community.

The principal advises the chair of the school council and the regional director.
**Critical Incident Management Team Action**

The principal relays the information to the critical incident team-leader and the counselling team-leader who then contacts the other members of those teams.

The counselling team-leader makes contact with the listed emergency support agencies.

The critical incident team composes a *memorandum* of the information to be given to staff and students. All information given by the school must be consistent, and as full and frank as possible, where certain details of information are not available or are to be withheld to protect the privacy of the family, it is important to state that those details are not available and that they should not become the subject of conjecture, rumour and fantasy (see Appendices for Sample Statements to Students).

The critical incident team also prepares a *statement* of the support facilities and persons and of the counselling/retreat areas which will be made available to staff and students. This information is updated each day for as long as deemed necessary.

The critical incident team investigates which *other schools* should be notified of the critical incident - schools attended by siblings or close friends, and, particularly in the case of adolescents, schools whose students are part of the adolescent network. Contact with other schools is made through the principal (or designated person).

The principal prepares for any enquiries from the *media*, determining:

- What is best to say.
- How it will be reported.
- What positive and negative effects may result for the school and all those involved.

Advice may be sought from, for example, the development office or school publications office. See Appendices for Appropriate Comments relating to a Suicide.

The principal (or the critical incident team-leader) is given the specific task of handling any *enquiries* from parents of students at the school, and of writing a letter to the families of those students most closely connected, to inform them of:

- the critical incident event;
- the support and counselling facilities made available by the school;
- (subsequently) funeral and/or memorial service arrangements.

The locker or desk of a deceased student must be padlocked immediately with the contents left intact (particularly in the case of suicide). At an appropriate later time, after students have left school for the day, the contents should be removed by a staff member and kept in safe custody to pass on to the family by SCHOOL PRINCIPAL.

**Inform the Staff**

At the earliest opportunity the principal convenes the staff of the (sub) school (including non-teaching staff) and informs them of the critical incident event and of the support facilities and arrangements made. The memorandum is distributed to the staff.

At this juncture, the staff should be given some time to express their own feelings of shock and grief.

The prepared statement of grief responses and distress signals is distributed to the staff and briefly reviewed by a member of the counselling team.

School reception staff is given clear instructions on how to receive visitors and telephone calls, and to direct them to the appropriate persons.

A member of the counselling team should be designated to pass on information to support and part-time staff who are unable to attend a general meeting or who may be absent on the day of the incident, and to volunteers, particularly those who have worked with a student who has died.

**Inform the Students**

Teachers inform the students in their various classes at a pre-determined time (preferably in the next lesson). This information is given uniformly, contemporaneously, sympathetically, and without romanticisation. Staff should allow some time for students to ask questions and should answer these frankly and openly.
Alternatively, or in addition, an assembly for the whole-school or a year group may be appropriate.

Teachers make clear to students what support facilities and people are available and where to find them, and encourage students to use them if they feel the need. They also stress that a student must inform the teacher if at any time he/she absents himself/herself from the time-tabled class or activity. Teachers should then advise the school office who will keep a record of student absences.

A student showing some distress should not be allowed to leave the classroom alone but should be accompanied by another student. Neither is a student to leave the school until the parent(s) has agreed and arranged for the student to be accompanied.

Teachers check student attendance in each class/lesson, and follow up any unexplained absence immediately.

Staff should report to the counselling team or (pastoral care giver) any student whom they feel is showing particular signs of distress and to encourage such a student to avail himself/herself of the withdrawal and counselling area. The staff is also reminded to review student responses over the subsequent days.

Teachers are asked to take particular care in monitoring yard duty during school breaks.

Teachers are asked to allow some flexibility immediately after the information is given to the students, but to return to the normal teaching program as soon as they feel the students can cope with this. This may vary from class to class.

Staff members who are themselves distressed by the critical incident should be allowed time out, and encouraged to avail themselves of the support facilities. This may necessitate special relief teaching arrangements.

**Debrief and Update**
At the end of the first day, a short staff meeting is held to review the situation, collate information and debrief the staff.

**Suicide/Attempted Suicide**
- The parents should be given the option of only naming their son/daughter to their peer group and referring anonymously to the suicide (or attempt) with the rest of the school population.
- The regional director should inform other Lutheran schools in the state.
- The school should also inform the director of the relevant Association of Independent Schools so that principals and other sectors can be informed. Youth suicide has a ‘contagion’ factor, and students are likely to have close contacts in other schools.
- Identify and plan support for students who may be at risk.
- Inform staff and provide script and advice documents that **do not describe the method of suicide**.
- The closest friends of the students, and any others deemed to be at risk, are informed personally by appropriate staff and provided with immediate support and information about where they can receive continuing support in the school. Their co-operation is sought in not spreading sensitive information and in following protocols for leaving the school grounds. Direct contact is made with the families of these students so that support at home can be planned.
- Inform students via a prepared script, in small groups, **not at a whole-school assembly**.
- Inform the whole community via a prepared letter.
- Staff should be told **not to ask students for information relating to a suicide** (attempted or completed) but encourage them to pass on what they are told or observe.
**Within 48 – 72 Hours of the Event**

During this time, restore the school to a regular routine.

During the second day, a member of the counselling team visits each class or group closely connected with the loss or to which the deceased belonged. He/She

- further discusses and answers questions about the critical incident event;
- discusses the meaning of death or loss or suicide;
- outlines the variety of and individual differences in grief responses;
- stresses to the students the importance of sharing their feelings;
- explains the value of the support and counselling services.

A member of the critical incident team compiles a list of those students known to have been closely connected with the loss or the deceased, and arranges for these students to visit a member of the counselling team, either individually or in small groups.

Staff wellbeing is monitored.

Close contact is kept with the families of distressed students. Parents may be invited to avail themselves of the school’s counselling services.

If necessary, the counselling area is kept open and staffed after school hours.

In the case of a death, the principal, leader of the counselling team or leader of the critical incident team makes contact with the bereaved family regarding funeral arrangements, their preferences for school involvement and seeks permission for closely connected students and staff to attend.

In the case of a death, the school flag is flown at half mast.

Staff is kept informed of all action and their feedback sought during regular debriefings and parents are kept informed via notices.

All actions are documented.

**Suicide/Attempted Suicide**

- Students who are immediately or already considered at risk, profoundly affected by the death should be identified and have support plans developed for them in collaboration with mental health professionals.
- Only mental health professionals should assess students for suicide risk. School staff needs to be caring listeners and supporters. Their role is to refer rather than to treat.

**During the First Month**

The counselling team organises a memorial service to be held at the school as early as possible. The bereaved family, the students, staff and parents are invited to attend. This invitation may be extended to other members of the community - however it must be remembered that this is the students’ memorial service, and planned accordingly.

Special timetabling arrangements need to be made for those students who do not attend and to relieve staff members who wish to attend if the service is to be held in class time.

Attendance lists need to be kept and reviewed with particular vigilance during the days following the critical incident.

If desired, eventual arrangements are made for the establishment of an appropriate memorial at the school. The principal should be responsible for communication with the family over this matter.
Students who have experienced distress continue to be seen by a member of the counselling team over a period of time. Alternatively, they may be invited to join a peer support group.

Staff is given the opportunity to attend a debriefing meeting with the members of the critical incident team. Special attention is paid to the staff members’ own grief and its resolution.

Plans are developed for school events of relevance - eg the school year book, graduation, award nights.

All actions are documented.

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**Beyond the First Month**

Support and monitoring of students and staff continues.

Parents, staff and students continue to receive relevant information.

In the case of death, communication with the bereaved family is maintained over a period of time. A member of the counselling team may be delegated to ensure that this occurs.

If students request it, an anniversary event (eg the anniversary of a deceased student’s birth-date or death-date) may be marked by a special memorial activity.

The critical incident plan is included in the induction of new staff members.

**Review of Critical Incident Management Plan**

When the critical incident has been managed to a reasonable conclusion, the critical incident management plan is reviewed, and adjusted or amended where necessary.

In this review the student body, the critical incident and counselling teams, teaching and support staff are all represented.
Section 2: Recommended Plan for the School Management of a Terminally Ill Student

The management of a terminally ill student will be primarily the concern of the SCHOOL PRINCIPAL. Usually it is the head of sub-school or the student’s class teacher or pastoral carer, with assistance from special resource people - eg pastor or school counsellor.

It must be borne in mind that a student will often make his/her own choice of the adult in whom he/she wishes to confide. This choice must be respected and the chosen adult will have a pivotal role to play in being available to the student, in maintaining the student’s confidence and confidentiality and, if other than one of the staff persons referred to above, in relating to the latter in the management of the student.

The student should be encouraged to continue to participate in as many activities as possible for as long as possible. When active participation is no longer possible, involvement in student activities - eg scoring, timing, recording in physical activities, should be maintained wherever practicable.

Though the level of participation and performance by the terminally ill student will change, the behavioural expectations should remain consistent with those imposed on his/her peers.

The terminally ill student and his/her family should be consulted frequently to maintain up-to-date information, and to discuss with them which of the following information may be shared with the student’s immediate peers:

- particular aspects of the illness;
- periods of absence from school;
- limited participation in activities;
- changes in physical appearance;
- particular needs of the student versus the student’s desire to maintain independence.

Particular attention must be paid to discuss with the student’s peers and their teachers their own feelings of comfort and discomfort, stress and distress and patterns of caring behaviour.

All staff members who teach the terminally ill student must be regularly kept informed of the student’s current condition, and clearly versed in emergency procedures.

The following may be helpful:

- The child needs to talk to an adult about fears and questions - yet is naturally protective of the parent and often avoids these subjects to spare the parent. It is sometimes a teacher who becomes the listening person for a dying child. If you can do no more than actively listen, you very probably will have done the thing that matters most.
- Talking is the second thing we can do for the dying. Terminally ill people can fear increasing isolation almost as much as they fear increasing pain. So it is important to feel comfortable talking about things that interest them, answering questions directly, but being careful about offering more information than is requested.
- Continuing to do routine activities as long as possible, or being invited to come along with other students, helps the terminally ill student feel part of the peer group and know that he/she is wanted.
- Touching tells the dying person that he/she is not frightening and is valuable.
- When the terminally ill student is absent for a period of time - eg through hospitalization for treatment or is no longer able to attend school, regular contact should be maintained. This can take the form of a teacher visiting and continuing to do a modified amount of school work with the student. It certainly should take the form of regular visits to home or hospital by small groups of peers on a rotational basis, and the sharing of class experiences for as long as possible.

Section 1 details the management of bereavement resulting from the death of a student.

In the case of the death of a student who has been terminally ill, particular attention should be paid to two factors:
the terminally ill student’s peers may have become strongly and personally identified with his/her fight for survival;
the family of the deceased student may have become strongly and personally identified with their child’s class or close peer group. Contact between the family and the class or peer group should be carefully maintained and shared during the grieving period following the death.

Appendices Relating to Suicide

Appendix 1: Media Reporting

<table>
<thead>
<tr>
<th>Appropriate media reporting</th>
<th>Inappropriate media reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works closely with mental health authorities in presenting facts</td>
<td>giving details of the method of suicide</td>
</tr>
<tr>
<td>highlights alternatives to suicides</td>
<td>using photographs or suicide notes</td>
</tr>
<tr>
<td>includes discussion of depression and mental illness</td>
<td>suggesting simplistic explanations for the suicide</td>
</tr>
<tr>
<td>provides information on help lines and community resources</td>
<td>glorifying or sensationalising the person and their suicide</td>
</tr>
<tr>
<td>publicises risk factors and warning signs</td>
<td></td>
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</tbody>
</table>

Appendix

Script for general student population

Today/yesterday the school was given the very sad news that on (date) one of our year (level) students died by suicide and all of us are thinking of his/her family and friends. Some students in our school, particularly his/her friends in year (level) will find this news very difficult to understand and accept. Other students - not just close friends - are also likely to be upset perhaps because it reminds them of another sad event in their own life. Because of this, a support room has been set up in (location) for any students to go to if they feel they can’t be in the classroom over the next few days. Someone will be available in the room at all times. You need to get your teacher to fill out a (movement slip) if you wish to use the support room.

The (school counsellors) will be available in the normal way to see students and we may have some extra counsellors/social workers in the school for a while. A notice is going home today to inform your parents about the death so they will understand if you want to talk with them today or sometime in the future. Remember to use the normal signing out processes if you need to leave the school grounds and if you are approached by anyone asking for information about this death please tell them they should speak with (Ms/ Mr...)

Be sensitive to people’s feelings about this death, look out for each other and let a teacher or your parents know if you are worried about anything or anyone.
Appendix 3

Script for students in the same year level

Today/yesterday the school was given the very sad news that on (date, name of student) died by suicide. This happened away from school, at his/her home. This will be a very difficult time for (name of student's) family and close friends and for all of us who knew (him/her) and for a while it will be difficult for some students to think about anything else. For this reason a support room has been set up in (location) for any students to go to if they feel they can't be in the classroom over the next few days. Someone will be available in the room at all times for you to talk with if you want to. Otherwise it is a quiet place for you to retreat to if you need to. You need to get your teacher to fill out a (movement slip) if you wish to use the support room.

The (school counsellors) will be available in the normal way to see students and we may have some extra counsellors in the school for a while. A notice is going home today to inform your parents about the death so they will understand if you want to talk with them today or sometime in the future. Remember to use the normal signing out processes if you need to leave the school grounds. If you are approached by anyone from outside the school asking for information about this death please tell them they should speak with (Ms/Mr/...)

We will keep you informed as much as possible over the next week. This is a time to be especially sensitive to each other’s feelings and to look out for each other. Let a teacher or your parents know if you or your friends are worried about anything or anyone.

Appendix 4

Script for students in the same year level - attempted suicide

Today/yesterday the school was involved in supporting (name of student) who attempted suicide. This will be a very difficult time for (name of student), his/her family and close friends. You are being informed so that you can be sensitive to all these people's needs. (Name of student) is being well cared for at present and if you want information about him/her please do so via (name of staff member), rather than approach any of the family members for information.

The (school counsellor/s) will be available in the normal way to see students and you are encouraged to talk with them if you have any concerns you want to share. You are asked to contribute to the well-being of everyone involved by restricting your discussions about (name of student) to your close friends, your parents, staff or counsellors. We all want to make (name of student's) return to school as supportive as possible and being sensitive about the way you discuss this incident is the best way to support him/her.

A notice is going home today to inform your parents so they will understand if you want to talk with them about this information.

Remember to use the normal signing out processes if you need to leave the school grounds. We will keep you informed as much as possible over the next week. This is a time to be especially sensitive to other's feelings and to look out for each other. Let a teacher or your parents know if you or your friends are worried about anything or anyone.
Appendix 5

Information to assist staff in talking with students following an attempted or completed suicide

Student reactions will range from confusion, anger, aggression, withdrawal, fear, guilt, denial, blame, betrayal, abandonment, hurt, sadness, curiosity and indifference. Teachers can expect tears or silence from some and excitement from others. Any student who appears to be in real distress should be accompanied to the support room or offered the opportunity to contact their parents to be collected.

Students must be allowed to talk about the incident.

The first classes following the news should be conducted flexibly. Wherever possible be guided by the students' need to talk, particularly if they are in the year level of the student concerned. The best way to do this is to set work for those who wish to resume normal lessons but allow others to speak quietly with each other or write in a journal, or simply sit and think. Where appropriate provide students with the following ideas during any discussions in the days that follow.

- there are always solutions to problems and there are always people to help
- suicide takes away your chance to find solutions to problems
- problems are temporary, death is permanent
- people will help for as long as it takes to feel better
- no one is ever to blame when people attempt or complete suicide
- suicide is never about just one thing
- tell an adult if you're worried about yourself or a friend

These messages are important to get out as early as possible as some students are likely to feel inappropriately guilty or responsible for their friend's actions.

What if they want to talk about the method of suicide?

It is natural for this area of interest to be in students' minds and it is highly likely the information will eventually get out via young people's networks. However, always gently stop discussion about this when it occurs. If students find this difficult to accept, try to help them understand through the following ideas:

- discussing this very personal and upsetting aspect of a death is disrespectful to the feelings of the family and close friends
- discussion is likely to spread inaccuracies that may be harmful to others
- relatives and friends will want people to remember the good things about a young person's life
- discussing these details can be very distressing and harmful to other young people even if they do not know the student

Remind students that counsellors are available to talk with them in more detail and that some discussions are better held in a more private environment.

Don't be judgmental, criticise, blame, do most of the talking, make promises or deviate from facts.
Do allow and accept expression of feeling, including your own.
Appendix 6

Information to help staff identify students for referral

The following checklist is to remind staff the kinds of behaviours that should result in a referral to the counsellor/mental health professional. It is important to remember that this work is about getting professional support to the small minority of students in the school who need it.

"Referral" means a staff member talking with the counsellor or mental health professional about their concerns - it does not mean telling or sending a student to see a counsellor without prior discussion.

| Changes in academic performance | Unexplained significant drop in subject performance, unexplained absences, loss of interest and commitment |
| Changes in relationships with others | Friendships are lost or broken, sport or other extra curricular commitments are dropped, chooses to be alone, engages in high risk behaviours with cars, drugs, alcohol, weapons, misconduct |
| Changes in mood | Demonstrates intense unhappiness, hopelessness, increased anger, irritability, tearfulness, emotional instability |
| Grieving a significant loss | Death of a significant person through illness, accident or suicide, family break up, relationship break up |
| Expressing ideas of suicide/depression | Novel/film/video choice, personal writing, artwork, conversation has a focus on suicide, death and depression. Makes statements suggesting they have imagined being dead and the impact this will have on others |
| Physical changes | Headaches, extreme weight gain or loss, fatigue/exhaustion, sleeplessness, changes to hygiene and self care standards |

Up to date fact sheets on suicide related grief and loss can be downloaded from: www.grieflink.asn.au
Appendix 7

Parent letter attachment

Each child or adolescent’s response will be unique and a wide range of reactions are possible. Their reaction will be influenced by their personality, their past relationship with the deceased or injured person, what is happening in their life now and their ability to adjust to change. Your child, whatever age, needs to find safe ways to express their feelings. They may feel confusion, anger, aggression, withdrawal, fear, guilt, denial, blame, betrayal, abandonment, hurt and sadness. Parental understanding, reassurance and attention is very important at this time. Be guided by your son/daughter’s need to talk but make it clear to them that you will be available whenever they need you.

Children and adolescents who have experienced other concerns or losses in their lives.

These children and young people may find it harder to cope (for example, separation/divorce of parents, death of a relative or pet, moving house/school). They may become upset and need to express their feelings about these other concerns, even though they may have appeared to be coping before the event. If your son or daughter is already using the services of a psychologist or psychiatrist for wellbeing concerns, you should ensure they are made aware of this event.

Children and adolescents may have many questions. They may want to know exactly what happened.

The school will have provided your son/daughter with consistent information about the incident. Details about the way a suicide or attempted suicide occurred aren’t provided to students as this information is generally considered to be potentially harmful to students’ wellbeing. As parents it is important to steer discussion towards the positive “help seeking” actions young people can take for example talking to a trusted adult – parent, counsellor, teacher, relative or friend, or using the agencies or websites listed below.

“Tell an adult if you are worried about a friend.”

This is an important message to share with your son/daughter in any discussion about suicide. Adolescents sometimes share their feelings about death with friends – in conversations, letters, emails, text messages, on the internet, etc. If young people are aware of friends who they fear may hurt themselves they should tell an adult immediately. Nothing is more important than protecting a life.

Be aware that you or your child may be affected by possible media responses to the event.

You may decide to protect against certain coverage or watch TV/news coverage together so that you can discuss any reactions or concerns and ensure your son/daughter feels supported. Hopefully, media reporting of specific youth suicides will not occur. However, if it does, be aware that it can contribute to young people’s vulnerability.

Some adolescents may show reactions weeks/months/a year after an event.

If you are concerned about your child or adolescent’s reactions, for example, if there are changes to their behaviour such as their socialising or school work patterns, it is important to speak to the principal or student counsellor at the school. This may result in a referral to one of the agencies listed below.

Be aware that school staff will also be affected.

While everyone will be working towards normalising school routines, some staff will be managing difficult emotions. Adult counselling support is provided to all our school staff through a process outside the school.

Responding to community concern.

If speaking with other members in the community, try to reinforce that the approach is to respect the bereaved/affected family, avoid romanticising or sensationalising suicide and to encourage help seeking actions in young people - for their own wellbeing and when they have concerns about their friends.
References

Catholic Education Office of Melbourne: *Guidelines and Procedures for Mandatory Reporting of Child Physical and Sexual Abuse*

Catholic Education Office of Canberra and Goulburn: *Child Protection Code of Professional Standards for Catholic Schools and System Staffs*

Child Wise, Choose with Care – Building Child-Safe Organisations, ECPAT, 2004


Department of Childrens Services (DECS) SA, Catholic Education Office (CEO) of SA, Association of Independent Schools SA (AISSA), *Protective Practices for Staff in their Interactions with Students: Guidelines for Schools, Pre-Schools and Out-of-hours Care* (2005)


*National Framework for Creating Child-Safe Environments*


LSA Recruitment, Selection and Screening of Staff Policy and Procedures

1. Overview

To be child safe, schools need to employ the best applicants for both paid and unpaid positions. To this end, schools need a process of recruiting and selecting staff and volunteers to attract people who will support the child protection stance of the school and who will be positive role models for children. Schools also need to be vigilant in screening current and potential staff and volunteers to reduce the risk of employing unsuitable people. Child sex offenders will target schools and may be successful in obtaining access to children if a school conducts little or no screening. By far the majority of sex offenders does not have criminal convictions and are often extremely clever at presenting themselves as caring and trustworthy individuals. Schools can reduce the risk of employing child sex offenders by being vigilant and adopting a structured and systematic approach to recruitment, selection and screening for all staff and volunteers. An informal approach to staff recruitment, selection and screening is not recommended.

2. Scope and Purpose

This document forms part of a set of child protection policies that have been developed by the Lutheran Schools Association for its schools.

An essential element of a safe learning or care environment is that the adults working and volunteering in that environment pose no threat to the wellbeing of children and young people. Checking a person’s criminal history is one step that can be taken as part of a broader screening process to ensure that the most suitable and appropriate people are engaged to work with children.

This document provides advice to Lutheran schools regarding the implementation of legal requirements and best practice in the employment and screening of staff and volunteers. It has been developed with reference to standards set down by state education departments and non-government school bodies.

3. Policy Statements

IMMANUEL LUTHERAN SCHOOL GAWLER is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child-safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for children and young people.

In all decisions about the recruitment, selection and screening of staff and volunteers:

- The safety of children is of paramount concern and shall not be overridden by any other interests.
- Persons must be suitable to work or volunteer with or in close proximity to children and young people at all times.
- A determination about a person’s suitability to work or volunteer with or in close proximity to children must be based on sufficient and relevant information.
- The assessment and monitoring of a person’s suitability to work or volunteer with or in close proximity is continuous.
- Risks to children and young people must be responded to whenever they become known or suspected.
- Personal and sensitive information about a person’s history must not be misused.
4. Implementation Procedures

Recruitment and Selection of Staff

1. Inform staff, volunteers, users and parents about the reasons for stringent employment and screening practices.
2. Develop an information package to give to applicants or for the school’s website.
3. Develop key selection criteria for jobs and give reliable information about the position.
4. Promote the school’s commitment to child protection throughout the employment process.
5. It is recommended that structured application forms are used as a way of collecting essential information and reducing the risk of false or mis-information.
6. Ask for a detailed chronological work history and seek explanations for any gaps.
7. Plan and prepare for employment interviews.
8. Use behavioural and situational questions in interviews that check job knowledge.
9. Conduct thorough and systematic reference checks before offering a position.
10. Check identification using the 100 points system – see Appendix 1, 100 point identity check system for details.
11. Ask for a verified academic transcript of qualification or check details with the educational institution.
12. Obtain police checks (criminal history check) – see below for requirements in each state.
13. Train staff in recruitment and selection.
14. Make clear to applicants that the appointment and the commencement date are subject to notification that screening requirements have been met. The letter of appointment should include the following sentence:

   I am pleased to offer you the position of ......................... commencing on ........................., subject to a satisfactory police and other screening clearances prior to commencement and to ongoing satisfactory police checks as regular intervals as requested throughout your employment.
Police Checks/Criminal History Checks

Western Australia

Teacher Registration
As part of registration to become a member of the WA College of Teaching (WACOT) a criminal record history check is required. There is then no additional criminal record history check to teach in WA schools.

Working with Children Check
As well as a criminal record check, everyone applying to teach from the beginning of 2007 must have a Working with Children Check as part of the legislative requirements of the Working with Children (Criminal Record Checking) Act 2004.

Application forms are available from any Australia Post Office and the form must be signed by a principal or deputy principal. It costs AUS$50 and is valid for three (3) years. The Post Office issues a card with a photograph.

There is a phasing-in period for teachers already working in a school.
Teachers registered with WACOT before January 2007 have an exemption until 2010 – and then all teachers must have a Working with Children Check.

Volunteers over the age of 18 who perform child related work as defined in the Working with Children (Criminal Record Checking) Act 2004 (located at www.slp.wa.gov.au or www.checkwwc.wa.gov.au) and who are not eligible for an exemption, must provide a current Working with Children Check (as of December 2008).

External providers must provide both a current national police certificate and a current Working with Children Check.

Procedures for Schools:
1. Obtain copies of all Teacher Registration Certificates and sight the original certificate from new and current teaching staff.
2. Request a copy of the WWC card from all new staff and volunteers, over the age of 18 who perform child related work, (teaching and non-teaching), and sight the original document.
3. Obtain copies of the WWC card from current staff and sight the original document, ensuring that all teaching staff has obtained one by the end of 2010 and non-teaching staff and volunteers who work in child related activities already have one (or are in the process of acquiring it).

For more detailed information see http://www.det.wa.edu.au/teachingwa/detcms/navigation/student-teachers/starting-your-career/eligibility/

To find out if you require a check at this time visit www.checkwwc.wa.gov.au.
Northern Territory

Teacher Registration
A criminal history check is required for any first time application for NT teacher registration or if there has been a break in employment in the NT. Criminal history checks must be current - ie conducted at or around the time of submitting the application.

Renewal of registration requires applicants to sign a statutory declaration stating whether they have been subject to any disciplinary proceeding or convicted of a criminal offence.

Procedures for Schools:
1. Obtain copies of all teacher registration certificates and sight the original certificate from new and current teaching staff.
2. Police checks must be provided by all staff new to the school prior to their commencing employment (although at present this is only once-off requirement).

South Australia

The Children’s Protection Act 1993 has been amended to ensure that all children are safe from harm and, as far as practicable, are cared for in a way that allows them to reach their full potential.

Under the amendments to the Children’s Protection Act 1993, the Chief Executive, Families and Communities, is responsible for:
1. providing guidance on appropriate standards of conduct for adults in dealing with children;
2. defining appropriate standards of care for ensuring the safety of children;
3. providing guidance on the recruitment and supervision of staff of government and non-government organisations who may have contact with children in the course of their employment;
4. developing and issuing standards to be observed in dealing with information obtained about the criminal history of employees and volunteers who work with children in government or non-government organisations.

Schools who do not meet their legislative obligations regarding the establishment of child-safe environments may face a fine of up to $10,000.

A summary for schools from the document by Families SA, Nov 2007, Child-Safe Environments: Standards for Dealing with Information obtained about the Criminal History of Employees and Volunteers who work with Children

The standards are based on the fundamental principle that every child has the right to be safe from harm.

Obtaining criminal history reports on people who work with children or have access to children’s records helps to protect children from harm by:
- deterring unsuitable people from applying for such work;
- preventing people who may pose a risk of harm to children from gaining positions of trust.
Family SA Standards

Standard 1: Identify whom criminal history reports should be obtained for

Indicators of Compliance

1. Teacher registration requirements in SA now require a police check for all new applications for registration and for renewal of registration. Schools should obtain copies of all teacher registration certificates and sight the original certificate for all new and current teaching staff.

2. Non-Government schools in South Australia must obtain, or require to have been obtained, criminal history reports (from SA police or from CrimTrac) every three (3) years for all of the following people, described as acting in a prescribed position, (whether as an employee, volunteer, agent, contractor or sub-contractor).

   • Those are in regular contact with children.
   • Those who work in close proximity to children on a regular basis.
   • Those who have supervision or management responsibilities for such persons.
   • Those who have access to records relating to children.

Note: No definitions of regular contact, regular basis or close proximity are provided so the terms must be given their ordinary everyday common sense meanings.

Such persons do not actually have to be employees of a school but may be volunteers (Entrusted Person Volunteers) or contractors.

Entrusted Person Volunteers include persons engaged in the following child related work in pre-schools, kindergartens, child care centres:

   • Any overnight camps/school sleep-overs/billeting
   • Working one-to-one with other people’s children
   • Acting as a coach or manager of teams or groups of children or young people
   • Working in resource centres, offices, managing canteens etc.
   • Accepting a position on governing/school councils, boards or committees
   • Counselling or other support services for children
   • Services for transport of children (bus service).

3. Before appointing anyone to a prescribed position, obtain a criminal history report from the SA police or from CrimTrac.

Appendices 2 and 3 provide two flow charts to assist with determining for whom criminal reports should be obtained.
Standard 2: Developing understandable and accessible procedures to obtain criminal history reports
The school should decide its own arrangements for:

- Who has the responsibility for requesting, sighting and recording criminal history report/police check.
- Who meets the cost?

Typically:
- Applicants for positions should pay for their own check.
- Current staff should provide their own check (teachers pay for theirs as part of renewal of registration).
- The school pays for regular volunteers.
- Seeking written informed consent to obtain a criminal history report:
  - Explain what a criminal history report is and how it will be obtained.
  - The purpose (background check required for employment in a school).
  - Who the information will be disclosed to and the limits of relevant information (only information that relates to child protection is relevant).
  - Legal requirements for checks and the consequences of non-compliance, both to the school (a fine and/or removal of registration) and the individual (possible cessation of employment).

Indicators of Compliance
1. Publish application process.
2. Include requirement for criminal history check as part of application process.
3. Check identity using 100 points system (see Proof of Identification Documentation).
4. Use approved alternative processes (if needed).
5. Obtain written informed consent from current staff.

Standard 3: Obtain criminal history reports in a timely and regular manner
1. Obtain a report before appointment.
2. In cases where a person urgently needs to start, ensure that the person is supervised, until a report is provided.
3. Checks are to be completed no longer than every three (3) years.
4. Employees must notify the school of any change in their criminal history, as soon as practicable.

Standard 4: Accepting other evidence
The following evidence (if current) is acceptable if a person has been employed in a school interstate or overseas:

- Letters of clearance from SA CrimTrac accredited agencies.
- National Police Certificates.
- Criminal history record checks from other states (for example Blue Card – QLD, Working with Children Check – VIC, WA).
- Statutory declarations, if a person has lived overseas, indicating that that person has never been convicted:
  - of murder or sexual assault;
  - of possessing child pornography;
  - and sentenced to imprisonment for, any other form of assault in a country other than Australia.

Standard 5: Assessing criminal history reports
If a person has been convicted of
- murder or sexual assault;
- violence in relation to a child;
- an offence related to child pornography;
- an offence related to child prostitution;
- a child abuse offence, for example criminal neglect;

it is unlikely that they can be considered to be suitable for child related work or volunteering.

If a person has been convicted of
- sexually-motivated offences;
violence offences/assault including any form of assault that resulted in imprisonment, or
offences related to cruelty to animals;
• other offences relevant to a school (for example drug-related offences, dishonesty); that
person may be considered for or retained in employment but further assessment is necessary and the
onus is on the person to prove that they do not pose a risk to children.
For lesser offences, the onus is on the school to assess the potential risk of harm before making a
decision.
Factors to be considered are:
• length of appointment (long-term, overnight);
• level of supervision;
• proximity to children;
• age level of students;
• disability of students, if any.

Standard 6: Ensuring procedural fairness throughout the assessment and decision making
processes
The school’s decision to employ or retain the services of a person with any recorded conviction must
be rigorous, defensible and transparent.
In particular:
• people are informed of allegations made against and reasons for exclusion;
• people have the opportunity to respond to allegations;
• all information and decisions are thoroughly documented;
• individuals are informed of their right to apply to the SA police for incorrect records to be
changed.

Standard 7: Ensuring good practices when dealing with criminal history information
Criminal history information is sensitive and subject to privacy consideration.
In particular:
1. Criminal history checks are stored separately from general staff information.
2. Files are kept locked.
3. Access to criminal history files is restricted and only available to those with authorized
access.
4. People with access to confidential files have signed declarations of confidentiality.

The follow references provide further information:
• Children’s Protection Act 1993 (SA) and Regulations, Children’s Protection Act 2003 and the
2005 Amendments
• Screening and Criminal History Checks Policy Guidelines: A Framework for Guiding
Screening Practice in Education and Care Settings, Department of Education and Children’s
Services SA, Association of Independent Schools SA, Catholic Education SA on the AISSA
website.
• Child-Safe Environments: Dealing with Information obtained about the Criminal
History of Employees and Volunteers who work with Children published by Families SA at
Appendix 1: Proof of Identification Documentation

In SA, 100 points identity can be made up with one of the following combinations:

**Combination 1:**
A + B (one Category A document and one Category B document)

**Combination 2:**
B + 3 x C (one Category B document and three Category C documents)

**Combination 3:**
A + 2 x C (one Category A document and two Category C documents)

**Combination 4:**
*For under 18 years only* (one Category A document or a Category D document)

**Category A (70 Points)**
- Birth Certificate
- Citizen Certificate
- International Travel Document
  - A current passport, an expired passport which has not been cancelled within the preceding 2 years or other document of identity having the same characteristics as a passport (eg this may include some diplomatic documents and some documents issued to refugees)

**Category B (40 points)**
- Drivers Licence
- Other Licence or Permit
- A Tertiary Student Identification Card
- Department of Veteran Affairs (DVA) Card
- Centrelink Card

**Category C (25 points)**
- Medicare Card
- Credit Card or Account Card
- Motor Vehicle Registration or Insurance Papers
- Property Rates Notice
- Property Lease Agreement
- Home Insurance Papers
- Utilities Notice
- Record of Primary, Secondary or Tertiary Education
- Records from a Current or Previous Employer
- Records of a Professional or Trade Association

**Category D (under 18 years of age)**
- A letter from an educational institution that the child attends verifying the identity of the child signed by the principal or administrator of that institution.
- A student identification card containing a copy of the seal or stamp of the institution.
Appendix 2

Obtaining and assessing criminal history reports

13

Advise employees and applicants of application and screening process (including but not limited to obtaining criminal history reports) [Refer S2, S3]

Seek informed written consent to access criminal history information [Refer S2, S7]

Applicants who do not consent will not be screened

Government employees/volunteers who do not consent may need to be relocated or redeployed

A criminal history record under Section BB(5) may be obtained for employees/volunteers of NGOs

Informed consent given [Refer S2]

Other evidence accepted [Refer S4]

Obtain criminal history report via South Australia Police or CrimTrac

Check successfully completed [Refer S7]

No criminal history

Recorded criminal history

Undertake assessment of criminal history report (where applicable) via qualified assessors/screening unit [Refer S5, S6]

Relevant criminal history indicating a risk of harm

No relevant criminal history

Check successfully completed [Refer S7]

Advise the employee/volunteer/applicant of the matter of concern and provide an opportunity to respond or provide further information [Refer S5, S6, S7]

Further independent assessment of the criminal history record, including the additional information provided by the incumbent/applicant [Refer S7]

Criminal history indicates a risk of harm, employee/volunteer/applicant not successful

Criminal history considered acceptable, check completed [Refer S7]

Other grievance procedures may apply [Refer S7]
Appendix 3

Test to identify which prescribed positions require a criminal history report to be obtained

1. Is the person an employee?
   - NO
   - YES

2. Is the person a contractor, subcontractor, agent or volunteer?
   - NO
   - YES

3. Are their activities part of the ordinary activities of the organisation?
   - NO
   - YES

4. Are their activities physically on/in the organisation’s premises for significant periods of time?
   - NO
   - YES

5. Are they an indirect service provider for the organisation?
   - NO
   - YES

No legislative requirement to obtain a criminal history report

MAY obtain a criminal history report

MUST obtain a criminal history report
Child Protection: Recommended Process for responding to Complaints, Allegations and Disclosures

Each school will have a different process for reporting concerns and how the school will provide support for:
- children who have experienced abuse;
- staff who have had allegations made against them;
- parents who have raised concerns or whose children have been abused;
- other participants and staff affected by the situation.

The following checklist is intended to provide guidelines for a complaints process:

1. Depending on the size of the school, consideration should be given to appointing one or more staff members as child protection officer(s) to act as a focal point for students and parents.

   The CPO’s role is to:
   - act as an advocate for students;
   - handle concerns related to child protection;
   - liaise between families and school management.

   CPO person specifications would include:
   - Responsible and trustworthy.
   - Approachable, communicates well with students.
   - Trained in child abuse and prevention.
   - Committed to the safety of children.

2. WHAT should be reported?
   In general the following should be reported:
   - Observations and suspicions pertaining to:
     i. behaviour that has been directly observed by a parent, staff member, child or other witness and that gives concern, including obvious or subtle breaches of the school’s code of conduct or expectations of staff, seeking to be alone with particular children, work practice which is seen to compromise the wellbeing of children or the school.
     ii. a child or group of children exhibiting concerning behaviours which may indicate that they are at risk or currently being abused.
   - Complaints or allegations made - a parent, staff member or student may make a verbal or written complaint about an incident or series of incidents that have given cause for concern.

3. WHEN should reports be made?
   Concerns must be reported immediately.
   Where possible the identity of the reporter should be kept confidential.

4. WHO should reports be made to?
   A school should decide but this is likely to be the principal, deputy principal, head of sub-school, child protection officer, depending on whether the report involves an employee or not.

5. HOW to report Verbal reports should be accepted and documented comprehensively.

6. FOLLOW UP Clearly specify the procedure to be followed.

The following procedure is recommended by ChildWise:
Child Protection: Recommended Process for responding to Complaints, Allegations and Disclosures

OBSERVATIONS, SUSPICIONS, COMPLAINTS
Examples:
- Breach of Code of Conduct
- Information from a third party
- Person seeking to be alone with children
- Concerns about a particular practice or behaviour
- Gift giving or special attention to a child/family

ASSESS RISK
School Principal/Deputy/Head of Sub-School/CPO
- Gathers all relevant information
- Explains limitations of confidentiality to person reporting
- Reassures person making report and treats seriously
- Ensures immediate safety of child(ren)
- Distances the alleged perpetrator
- Documents information and stores it confidentially
- Gives information about reporting procedure and what will happen next

CHILD DISCLOSES ABUSE
- Reassure/validate the child
- Treat seriously
- Ensure immediate safety of the child
- Explain need for confidentiality/limitations
- Give information on what will happen next

REPORT IMMEDIATELY
To Principal, Deputy, Head of Sub-School/CPO who
- Ensures immediate safety of child
- Advises child’s parents or care givers if they are not the alleged perpetrator
- Determines who will notify the local specialist police and/or child protection authority if no mandatory reporting requirements
- Records the disclosure information
- Advises the principal (if not already involved)

DISCIPLINARY PROCEDURES
- Seek advice from regional office
- External investigation commences
- Suspension from duties

MATTER REPORTED TO STATUTORY AUTHORITY
- Report to local/specialist police office and/or
- Report to local child protection office
- Parents and child advised
- Relevant staff advised

ONGOING MONITORING/PERFORMANCE REVIEW
- Concerns outlined
- Expectations clarified
- Review period
- Ongoing supervision and monitoring performance required

NO CASE TO ANSWER
Advise verbally and in writing

CASE CONFIRMED
Disciplinary procedure

Concern warranted

Concern confirmed

No basis for concern

Concern warranted (more information needed)

NO FURTHER ACTION
Concerns documented
DECISION MADE AND ENDORSED
by the principal and/or head of sub-school
Decision documented and all relevant parties advised
LSA Mandatory Reporting Policy and Procedures

1. Overview

Legislation that specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting.

It should be noted that mandatory reporting requirements, the legislative grounds for intervention and research classifications of abusive and neglectful behaviour are not the same.

- Mandatory reporting laws define the types of situations that must be reported to statutory child protection services.
- Legislative grounds for intervention define the circumstances and importantly the threshold at which the statutory child protection service is legally able to intervene to protect a child.
- Researchers typically focus on defining behaviours and circumstances that can be categorised as abuse and neglect.

These differences arise as each description serves a different purpose. The lack of commonality does not mean that the system is failing to work as policy makers had intended.

Mandatory reporting, with its emphasis on the seriousness of any form of child abuse in a community, aims to overcome the reluctance of some professionals to become involved in suspected cases of child abuse by imposing a public duty to do so.

It has been found that the awareness of child abuse both within the mandated professional groups, as well as in the community at large, increases with the publicity that surrounds the introduction of mandatory reporting.

When mandated people report suspected cases of child abuse or neglect they expect the child protection department to investigate and take action regarding their report. When this does not occur due to a lack of resources in the department, those who have made reports may become disillusioned and therefore cease to make reports to the department. However, this should not discourage mandated reporters from fulfilling their legal and moral obligations.

2. Purpose and Scope

The Lutheran Schools Association is committed to the care, safety and protection of all children attending its schools. The responsibility of those schools extends beyond academic success to the intellectual, physical, social, emotional and spiritual development of children and provision of caring and supportive learning environments in all schools.

This mandatory reporting policy describes the legal and moral responsibilities that staff in schools have for the care and protection of children and for reporting information about child abuse concerns such as neglect or physical, sexual and emotional abuse. Staff, given their close interactions with students, play an important role in the detection of child abuse and the provision of support and assistance to children who are abused or at risk of abuse.

It is one of a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools, and therefore should be read in conjunction with the LSA Child Protection Policy.

Different States vary in mandatory reporting requirements with respect both to who is mandated to make a notification and what they are required to report, although changes in legislation are tending to make requirements more consistent. While mandatory reporting laws specify those conditions under
which an individual is legally required to make a report to the statutory child protection service in their jurisdiction, this does not preclude an individual from making a report to the statutory child protection service if they have concerns for the safety and wellbeing of a child that do not fall within mandatory reporting requirements.

Mandatory reporting comes under the broad scope of child protection legislation which varied from State to State. In each State the identity of a notifier - whether mandated or not - is explicitly protected although there can be limits to this protection. For example, in the Northern Territory, the identity of reporters is not disclosed to families, but may be disclosed to the Family Matters Court upon request.

In general, ‘abuse’ or ‘maltreatment’ refers to physical, emotional, sexual, or psychological abuse, and neglect.

3. Policy Statement

IMMANUEL LUTHERAN SCHOOL GAWLER is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child-safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for children and young people.

Members of the school community have a moral, and at times legal, responsibility to report incidents and concerns of child abuse.

4. Procedures for Implementation

Mandatory reporting (mandatory notification MN) requirements for states under the oversight of the Lutheran Schools Association are as follows:

South Australia

Note: From 2006, Mandated Notification has been known as Child-Safe Environments – Reporting Child Abuse and Neglect

Any person designated as a mandatory reporter who suspects on reasonable grounds that a child or young person up to the age of 18 has been or is being abused or neglected, and that decision is formed in the course of that person’s work (whether paid or voluntary) or of carrying out official duties then the person must notify the Department for Families and Communities through the Child Abuse Report Line (Ph: 131478) as soon as practicable after he or she forms the suspicion.

Failure to do so can result in a fine of $10,000.

A notifier’s duty-of-care may not end with a notification.

Identifying Mandated Reporters

The following people are mandated reporters under the Children’s Protection Act 1993 (SA) and subsequent Amendments (2005):

- Teachers.
- School pastor or chaplain or other minister of religion at the school/
- Any person who is an employee of, or volunteer in a non-government school who is engaged in the actual delivery of educational services/
- Anyone who holds a management position in a non-government school and whose duties include direct responsibility for or direct supervision of the providers of educational services to children/
- Sporting personnel (coaches, team managers etc).

Training Mandated Reporters
In 2004 new inter sectoral standards were established for mandatory notification training (MNT). They are:

- training (initial and update) in education and care sectors will only be delivered by trained trainers approved by what is now the Department for Families and Communities, Families SA;
- under the Teachers Registration and Standards Act 2004 (SA) teachers are required to undertake mandatory report training before they can be registered;
- all new personnel (paid and unpaid, registered teachers and other staff) are required to have completed full MN training as a pre-requisite to employment;
- update training (2-3 hours) is to be done every three (3) years;
- all training should be recorded on official staff records.

**Mandatory Reporting and Teacher Registration Renewal**

From March 2006, the Teachers Registration Board requires for renewal of registration:

- Either a *verified* copy of a MNT certificate for a full-day course undertaken since 1 February 2005.
- Or a *verified* copy of a MNT certificate for a full-day course undertaken at some earlier time and a *verified* copy of a MNT certificate for an update course undertaken since 1 February 2005 (see TRB website for information about verification).

**Requirements for Schools**

- Ensure that all new staff members have completed MN training by requiring a copy of their MN training certificate at the offer of appointment.
- Organise full-day training for current staff members who have not been trained.
- Organise regular update training (every three (3) years).
- Ensure that records of training are established and maintained on official staff records.
- It would seem that schools should provide MN training for current resource and support personnel, particularly those that work directly and frequently with students in an unsupervised or minimally supervised role – for example, music teachers, sport coaches responsible for teams, boarding house staff, student services staff and the like.
- Ensure that trainers used are registered and have been re-trained in the new ‘Education and Care’ MN training package. It should be noted that the full course will be updated every three (3) years and will vary to include - eg children with disabilities, Indigenous children. A full list of approved providers is included as Appendix 1 or can be found on the Families SA website [http://www.familiesandcommunities.sa.gov.au/Default.aspx?tabid=838](http://www.familiesandcommunities.sa.gov.au/Default.aspx?tabid=838) and clicking on the Information sheet.
- An information sheet on mandatory reporting is included as Appendix 2, and can be given to people who may not need training but require briefing about MN - eg volunteers at camps, excursions, co-curricular assistants who work under the supervision of teachers etc.
Northern Territory

Principal Acts:
• Community Welfare Act 1983

Other Relevant Acts:
• Information Act 2006
• Disability Services Act 2004
• Criminal Code Act 2006
• Family Law Act 1975

The Northern Territory is the only jurisdiction in Australia where all people are mandated reporters. This means that any person with reasonable grounds to believe that a child has suffered (or is suffering) neglect, physical abuse, sexual abuse, domestic violence and psychological harm is required by law to report their concerns to:
• Department of Health and Community Services or
• Family and Children’s Services or
• The Police or
• The 24 Hours NT-Wide Hotline - Freecall: 1800 700 250


Proof of abuse or neglect is not required. The Community Welfare Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

In NT, education department schools training in child protection and mandatory reporting is provided only for school principals, assistant principals, counsellors, wellbeing officers and guidance officers.

Requirements for Schools
• Ensure that all relevant staff (paid and volunteer, teaching and support) is aware of their obligations to report, particularly given their proximity to children.
• Ensure that all new staff members have completed MN training by requiring a copy of their MN training certificate at the offer of appointment.
• Organise full-day training for current staff members who have not been trained.
• Organise regular update training (every three (3) years).
• Ensure that records of training are established and maintained on official staff records.
• It would seem that schools should provide MN training for current resource and support personnel, particularly those that work directly and frequently with students in an unsupervised or minimally supervised role – eg music teachers, sport coaches responsible for teams, boarding house staff, student services staff and the like.
• AISNT provides some training and is currently developing further requirements for staff who work in non-government schools in the NT.
• Schools with Aboriginal students may have additional obligations for child protection.
• Provide child protection training for staff.
• An information sheet on mandatory reporting is included as Appendix 2. It relates to SA but provides basic information that could be useful to give to people who may not need training but require briefing about MN - eg volunteers at camps, excursions, co-curricular assistants who work under the supervision of teachers etc.
Western Australia

In WA the term ‘maltreatment’ is used. Maltreatment refers to when a child or young person has been subjected to physical, sexual, emotional or psychological abuse and/or neglect, the severity and/or persistence of which has resulted in or is likely to result in significant harm.

Everyone working in a school needs to be able to recognise the risk factors and indicators of child maltreatment to identify children who may be at risk and communicate these to the principal, either verbally or in writing. It is not the role of staff to investigate concerns. The principal must report the concerns as appropriate to the Department for Community Development (DCD) or the Western Australian Police Service (police).

Licensed providers of child care or outside school hours care services are required to report abuse in a child care service.

Requirements for Schools

- Ensure that relevant staff is trained in recognising the risk factors and indicators of child maltreatment.
- Ensure concerns are documented.
- Develop a process to support children who are maltreated or at risk of maltreatment.

WA schools should note that on June 4 2008, legislation was passed in the Upper House of Parliament to make it compulsory for teachers to report suspected cases of child sexual abuse. Training programs will be provided.
Appendix 1:
Information Sheet: One-Day Mandatory Reporting Course Providers

Child Safe Environments – Reporting child abuse and neglect
(Formerly Mandated Notification)

1 Day Course Providers

The costs shown may have changed – please check with each agency.

The following agencies provide both General and ‘Education and Care Focus’ versions (suitable for mandated notifiers in schools etc):

- **Ability Edge Education**
  
  Telephone: 0400 386 429  
  Website: www.ability-edge.com.au  
  Email: mlo42629@bigpond.net.au  
  Cost $88. Centerlink Concession $66 Group prices negotiable  
  Morning and afternoon tea provided.  
  Training can be provided throughout SA

- **Australian Education Union**
  
  163 Greenhill Road, Parkside, A 5067  
  Download registration form from AEU website  
  http://www.aeusassn.org.au/events/  
  Email training@aeusa.asn.au tel 8272 1399.  
  Cost: Free for AEU members, $99 incl G.S.T for non-AEU members.  
  Morning tea provided. Participants should BYO lunch.

- **Edmund Rice Camps (SA) Inc**
  
  103 George St, Thebarton SA 5031 Telephone: 8234 2937  
  Website: www.eddiericecamps.org.au  
  Email: eddie@eddiericecamps.org.au  
  Cost: $60 individual; $35 student/concession; group discounts available  
  Fees assist to provide camps and day activities for people experiencing disadvantage.

- **Gowrie Training Centre**
  
  43 Dew St, Thebarton Tel 8234 5219  
  Website: www.pscsa.org.au  
  Cost $77 weekdays and $88 on weekends. Lunch is provided at all courses.
• **L2 Consultancy and Mandatory Notification Training Services**
  Contact: Lambros Lambros
  Mobile 0412 832 299 or (H) 8340 4802
  Email: Lambros@L2training.com.au
  www.L2training.com.au
  Cost: $80 for individuals, $70 with student card, and negotiable rates for organisations

• **TrainSet**
  Contact Jen
  Telephone Jen 8333 2601 Mobile 0417 991 554
  Email jenwill@adam.com.au
  Cost $80 per participant including workbook and certificate.
  Website: www.trainsetttraining.com.au
  The following workshops are presented for individuals and groups:
  Mandated Notification, Education and Care Focus and
  Creating Child Safe environments, Reporting Child Abuse and Neglect
  Morning and afternoon tea provided
  Dates and venues on website.

• **National Institute of Early Childhood Education**
  Telephone: 1800 617 455
  Website: www.childcaretraining.com.au
  Cost: $140 (free of charge for staff working at an ABC Learning Centre)
  Statement of Attainment for CHCCHILD1C offered for participants completing the assessment pieces.

Other Agencies for teachers to contact as appropriate:

• **Association of Independent Schools of SA** Telephone: 8179 1400

• **Catholic Education Office** Telephone: 8301 6600

• **Department of Education & Children Services, Council of Education Associations of South Australia CEASA Education Development Centre**
  Corner Milner St and Port Road Hindmarsh
  Telephone: 8463 5875 Email: ceasa@ceasa.asn.au

• **Teachers Registration Board** Tel 8226 2666 Website www.trb.sa.edu.au

This list and other information on Mandated notifiers can be viewed at
www.families.sa.gov.au (follow the link from the right hand panel of the home page)

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Appendix 2:
Information Sheet: How do You report Suspected Child Abuse or Neglect?

Source: Families SA

Anyone who suspects, on reasonable grounds, that a child or young person is being abused or neglected, should report it to the **Child Abuse Report Line on 131 478**.

To assist Families SA do their work, check:
- do you know the child’s name, age and address?
- are you able to describe the injury/abuse/neglect (either current or previous)?
- are you aware of the current situation and the whereabouts of the child, parent or caregiver, and the person who has abused or neglected the child?
- when did you become aware of the abuse?

However, if you can’t answer all of the questions above, Families SA still encourages you to contact the Child Abuse Report Line if you suspect child abuse.

When you ring the Child Abuse Report Line you may be asked if you wish to report directly to Yaitya Tirramangkotti if the matter involves an Aboriginal child or family. Yaitya Tirramangkotti is staffed by Aboriginal workers who help to ensure that the decisions that are made about Aboriginal children are culturally appropriate.

**Will you have to give your name?**
No, you don’t have to give your name when you make a report. Sometimes, it can be important for Families SA to know who has made the report, because the social worker might like to clarify what has been reported. Or you might want to find out what happens with your report after it’s been made.

**Will your details be kept confidential?**
The details of people who make reports to the Child Abuse Report Line are kept confidential. This is the law. The details can only be released in certain circumstances. These are:
- If you consent to your details being released.
- If another professional needs to know who made the report so that they can do their job - eg police who are investigating the matter.
- If it is ordered by a Court. This is very rare.

**What if you are uncertain about reporting abuse or neglect?**
Often we don’t want to get involved in someone else’s problem, or are afraid that we might be wrong in suspecting abuse or neglect. Remember that many children are powerless to protect themselves from abuse and will only be protected from abuse and neglect if responsible adults take action on their behalf. You may be the only person who can make a difference to this child’s life. Child abuse can happen to any family. It can have lasting, damaging effects and some children even die because of child abuse.

Reporting suspected child abuse is the first step in stopping the abuse and protecting children from further harm. Sometimes children are being hurt because:
- Families do not have adequate support.
- Parents are experiencing a lot of stress such as unemployment, illness, isolation, loneliness or financial problems.
- Parents may have experienced abusive parenting themselves and need help to learn how to care for their children in a better way.

Reporting suspected abuse gives Families SA the chance to help families in situations where a child or children may be at risk.

If you are not sure about reporting, you can call the **Child Abuse Report Line** and get advice - 24 hours a day, 7 days a week on **131 478**.

**What happens when you make a report?**
When you call the Child Abuse Report Line, the worker will talk to you about the concerns that you have. They will ask you about details of the child and their family (such as who the family members
are, where people live) as well as why you are concerned about the child. All information reported to
the Child Abuse Report Line is assessed and a decision is made about which matters need to be
responded to, and how.

The reports are referred to the Families SA district centre which is nearest to where the child lives.
Social workers from the district centre may make contact with the child and the family to discuss with
them what might be happening. Often, police and other professionals may be involved, depending on
what the circumstances are.

Families SA will speak to the people involved to assess the circumstances of children and their
families. Families SA may also assist families to access services so they can provide better care for
their children, or make safe care arrangements for children if required.

**Will you receive feedback on your report?**
People who report their concerns about children are entitled to know how their concern will be dealt
with by Families SA. The Families SA social worker should provide feedback to you, but you can also
contact the Child Abuse Report Line if you are concerned about the progress of your notification.

**What does mandatory reporting mean?**
Certain groups of people are required by law to report to Families SA if they suspect, on reasonable
grounds, that a child is being abused or neglected and this suspicion is formed in the course of their
work. This is a legal obligation which carries a penalty if you fail to comply. These people are
mandated notifiers.

In South Australia under the Children’s Protection Act 1993 and subsequent Amendments, the
following persons are mandated notifiers: medical practitioners, nurses, dentists, pharmacists,
psychologists; police; probation officers; social workers; teachers; family day care providers; and
employees of, or volunteers in, government departments, agencies or local government or non-
government agencies that provide health, welfare, education, childcare, sporting and recreational or
residential services wholly or partly for children, ministers of religion and employees and volunteers of
religious/spiritual organisations.

If you are unsure about reporting, consult with a social worker by calling the **Child Abuse Report Line
on 131 478**. Additional information is provided to participants attending mandatory reporting training.

Mandated notifiers must make a report to Families SA if they have current concerns about the safety,
welfare or wellbeing of a child. All reasonable suspicions of abuse or neglect should be reported
without delay. Mandatory reporters need to be aware that:
- it is your personal responsibility to report suspected child abuse and neglect – it is not the
  responsibility of your supervisor, principal or employer;
- you do not have to prove that abuse has occurred;
- you must accompany your notification with a statement of the observations, information and
  opinions on which the suspicions are based;
- you are immune from civil liability for reporting your suspicions in good faith.

It is the role of Families SA to assess the notification and determine whether departmental action is
warranted. It is important to remember that child protection is everyone’s responsibility - even if you
have made a report, you may still have a role in supporting the child or young person.
5. References


Safe Schools NT at URL [www.safeschools.nt.gov.au](http://www.safeschools.nt.gov.au)

Australian Institute of Family Studies, *The Role of Child Protection*


LSA Protective Practices for Staff in Their Interaction with Students

1. Overview

This set of guidelines has been adapted from those developed and adopted in June 2005 by DECS, Catholic Education and AISSA as part of a set of child protection policies that are consistent across all SA schools. These bodies acknowledge the value of material provided by Catholic Education Office Diocese of Parramatta: Protective Practices for Staff in Their Relationships with Students 2004.

The need for this document is supported by the guiding principles of the National Safe Schools Framework (Australian Government Department of Education, Science and Training, 2003).

The guidelines set out below require a commitment from all staff to:

- ensure that student safety and wellbeing are paramount within our schools;
- contribute to a culture of staff safety and wellbeing.

2. Purpose and Scope

The Lutheran Schools Association is committed to the care, safety and protection of all children attending its schools. The responsibility of those schools extends beyond academic success to the intellectual, physical, social, emotional and spiritual development of children and provision of caring and supportive learning environments in all schools.

This document is one of a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools and therefore should be read in conjunction with the LSA Child Protection Policy.

The guidelines provide advice to staff about the requirements made of them in their interactions with students. Caring, protective and encouraging forms of touch are healthy and important elements of human interaction. The intent of these guidelines is to encourage staff to continue relating to students with warmth, honesty, sensitivity and respect. They are also intended to provide clarity about when, and in what ways, interactions with students can cause harm.

The guidelines apply to staff, students and schools as follows:

**Staff**
All employees, paid workplace participants and volunteers, contractors and sub-contractors.

**School**
Pre-Schools, kindergartens, early learning centres, out-of-school-hours care and vacation care services, junior primary, primary, secondary, senior secondary schools and any associated boarding facilities.

**Students**
All children and young people enrolled at or attending the sites defined under school, including international and exchange students.
3. Policy Statements

Lutheran schools affirm the right of all school community members to feel safe at school and therefore seek to:

- ensure that roles and responsibilities of all members of the school community in promoting a safe and supportive environment are explicit, clearly understood and disseminated
- take action to protect children from all forms of abuse and neglect
- ensure that staff fulfil their duty-of-care to students
- ensure that staff maintain appropriate professional boundaries when dealing with students

4. Definitions

Duty-of-Care
In the school context, duty-of-care is a common law concept that refers to the responsibility of school staff to provide students with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect students from all reasonably foreseeable risk of injury. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the duty-of-care owed by teachers to students is extremely high. In their relationships with students, staff is required to ensure that the physical and emotional welfare of students is safeguarded, and that their own behaviour with students is always regulated by this duty-of-care both within and beyond the pre-school setting.

Maintaining Professional Boundaries with Students
Teaching and care professions are predicated on positive relationships and pre-schools are places where all staff can have significant influence in students’ lives. The relationship of an adult staff member and student is characterised by differing roles and an imbalance of power based on a number of factors including age, authority and gender.

The staff member is responsible for maintaining a professional role with the student. This means establishing clear professional boundaries with students that serve to protect everyone from misunderstandings or a violation of the professional relationship.

When staff violates boundaries they risk:
- harmful consequences for the student;
- seriously undermining the learning process;
- seriously undermining the professional reputation of the staff member;
- disciplinary action for the staff member.

Staff members may also fail to maintain professional boundaries by operating beyond the responsibilities of their role, and beyond their expertise. Students who raise significant personal problems with a staff member they trust need to be referred, preferably with their knowledge, to a person on staff with specialised skills - eg a school counsellor or pastoral care coordinator. The staff member can continue to play a supportive role with the student in collaboration with specialist staff.
The following examples will assist staff in establishing and maintaining appropriate boundaries...

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Example of Violation</th>
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| Communication                 | • Inappropriate comments about a student’s appearance including excessive flattering comments  
                                 | • Inappropriate conversation or enquiries of a sexual nature - eg questions about a student’s sexuality  
                                 | • Use of inappropriate pet names  
                                 | • Vilification or humiliation  
                                 | • Jokes or innuendo of a sexual nature  
                                 | • Obscene gestures and language  
                                 | • Facilitating access to pornographic or overtly sexual material  
                                 | • Failing to stop sexual harassment between students  
                                 | • Correspondence of a personal nature including letters, emails, phone, SMS text (not including class postcards/bereavement cards, etc) |
| Personal disclosure           | • Discussing personal details of lifestyle of self or others - it may be appropriate and necessary at times, however, to draw on relevant personal life experiences when teaching  
                                 | • Sharing of personal information about other staff or students                                                                                                                                 |
| Physical contact              | • Unwarranted, unwanted and/or inappropriate touching of a student personally or with objects - eg pencil or ruler  
                                 | • Initiating or permitting inappropriate physical contact by a student - eg massage, tickling games                                                                                                                                 |
| Place (without pre-school’s authority) | Inviting/Allowing/Encouraging students home  
                                 | • Attending students’ homes or social gatherings for personal reasons  
                                 | • Being alone with a student outside of a staff member’s responsibilities  
                                 | • Watching students in a change room when not in a supervisory role  
                                 | • Driving a student unaccompanied                                                                                                                                 |
| Targeting individual students | Tutoring (outside education sectors’ directives)  
                                 | • Personal gifts and special favours  
                                 | • Adopting a welfare role that is the responsibility of another staff member - eg counsellor, or doing so without the knowledge of key staff members                                                                                                                                 |
| Sexual contact                | Obscene language or gestures of a sexual nature  
                                 | • Suggestive remarks or actions  
                                 | • Jokes of a sexual nature  
                                 | • Unwarranted and inappropriate touching  
                                 | • Undressing in front of students  
                                 | • Correspondence (spoken or text) with students in respect of the staff member’s sexual or personal feelings for the student  
                                 | • Deliberate exposure of students to sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual  
                                 | • Sexual relationship                                                                                                                                 |
5. Guidelines for Implementation

51 Good Practice in managing Professional Boundaries
The following self-assessment questions may assist staff members in assessing their application of professional boundaries:

- Am I dealing in a different manner with a particular student than with others under the same circumstances?
- Is my dress/availability/language different from the normal with a particular student?
- Would I do or say this if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for students?
- If I were a parent would I want an adult behaving this way towards my own children?

52 Responding to Inappropriate/Sexual Behaviour of an Adult towards a Student
In States where school staff are mandated notifiers, a report must be made, irrespective of who is implicated: a colleague, friend, senior staff member, volunteer, parent, visitor.

The staff member must also notify the principal of their concerns as a matter of urgency so that appropriate procedures can be followed within the school. It is not acceptable to minimise, ignore or delay responding to such information.

If the principal is the subject of the suspicion, observation or allegation, staff must report to the chair of the school council/board.

53 Responding to Inappropriate/Sexual Behaviour of a Student towards a Staff Member
The matter should be reported and documented promptly with appropriate personnel in the school and a plan of action developed to support the student and relevant staff member.

Inappropriate sexual behaviour towards staff, in younger children, can elicit a suspicion that a child has been sexually abused himself/herself. In these situations staff must:

- make a mandatory notification, if applicable;
- consider the safety of other students with whom the student has contact;
- develop and document a plan of action and communication with all relevant parties (including other agencies).

If a student actively seeks an inappropriate relationship with a staff member, staff members are advised to immediately report the information to the principal and seek assistance from a senior staff member, or the school counsellor. Such incidents must be documented.

Examples of behaviours that should be reported and addressed are:

- receiving gifts of an inappropriate nature or at inappropriate times;
- flirtatious gestures and comments;
- inappropriate social invitations, and correspondence that suggests or invites an inappropriate relationship.
Managing Boundaries for Staff in Specialist Roles

If staff members are required to work in a one-to-one situation with a student, these guidelines should be adhered to:

- **Time:** Using normal pre-school hours is preferable to out of pre-school hours. Length of one-to-one contact should not generally exceed an hour and a half.
- **Consent/Knowledge:** Parents should be informed/consent to activities that involve their son/daughter in one-to-one unsupervised contact with staff, with the exception of counselling.
- **Location:** The more visible, public and busy the location the better. Rooms with part-glass doors are preferable. Where home visiting cannot be avoided parents should be present, or staff should visit in pairs.
- **Rooms must be unlocked.**

Counsellors/Pastoral Care Coordinators/Health Providers

Students reporting harassment or bullying or disclosing serious issues of a personal nature often expect and assume a high level of confidentiality. For these reasons schools, need to find a careful balance between, on the one hand respecting the sensitive and private nature of counselling and, on the other hand, the counsellor’s duty-of-care obligations for the safety and wellbeing of the student.

Appropriate Physical Contact, Non-Physical Intervention and Physical Restraint

5.6.1 Assisting or Encouraging a Student

At times, staff members will be required to give practical assistance to a student who is hurt or needs particular assistance or encouragement. The following examples of physical contact that are acceptable are:

- administration of first-aid;
- helping a child who has fallen;
- assisting with the toileting and personal care needs of a disabled student (NB: An individual plan for students with these needs must have been negotiated with parents/carers);
- non-intrusive gestures to comfort a student who is experiencing grief and loss;
- non-intrusive touch - eg congratulating a student by shaking hands. Staff should remember the importance of accompanying such touch with positive and encouraging words.

5.6.2 Good Practice with School-Age Children

- Seeking students’ permission to touch (keeping in mind that a highly distressed student may be incapable of expressing their wishes).
- Avoiding touching a student anywhere other than the hand, arm, shoulder or upper back.
- Not presuming that a hug or a touch is acceptable to a particular student. Even non-intrusive touch may be inappropriate if a student indicates they do not wish to be touched.
- Respecting and responding to signs that a student is uncomfortable with touch.
- Using verbal directions rather than touching. Using this approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons - eg with aquatic or gymnastic instruction, always telling the student that you need to hold them in a particular way and seeking their permission to do so.

5.6.3 Using Non-Physical Intervention in a Student Management Situation

Non-physical intervention is the recognised means of managing student conduct. Where a problem with a student becomes apparent, non-physical interventions include:

- directing other students to move away from the situation;
- talking with the individual student (asking the student to stop the behaviour, and telling the student what will happen if they do not stop);
- directing the student to a safe place;
- directing other students to a safe place;
sending for assistance from other staff, or in extreme cases, the police.

5.6.4 Using Physical Restraint where a Student’s Safety is threatened
Staff may make legitimate use of physical restraint as a last resort if all non-physical interventions have been exhausted and a student is:

- attacking another student or staff member;
- posing an immediate danger to themselves or others.

Unless student safety is clearly threatened, physical restraint is not to be used as a response to:

- property destruction;
- pre-school disruption;
- refusal to comply;
- verbal threats;
- leaving a classroom or the school.

Physical intervention can involve:

- coming between children;
- blocking a child’s path;
- leading a child by the hand or arm;
- shepherding a child away by placing a hand in the centre of the upper back;
- removing potentially dangerous objects;
- in extreme circumstances, using more forceful restraint.

5.6.5 Safe Practice Guidelines when using Physical Restraint

Do:

- continue talking with the student throughout the incident. Make clear that physical restraint will stop when it ceases to be necessary to protect the student or others.
- grip clothing rather than the body, whenever possible.

Don’t:

Use restraint that involves:

- force applied to the head or neck;
- restrictions to breathing;
- punching;
- kicking;
- holding by the hair or ear;
- confining a student in a locked room or limited space without access to staff.
LSA International Secondary School Student Exchange Programs Policy and Procedures

1. Overview

Opportunities for students to study overseas are a recognised valuable experience. The opportunity for a school to host exchange students also provides opportunities for an interchange of cultures and a broadening of experience for all students.

A secondary student exchange program is a reciprocal program whereby Australian students attend high school and enrol in a full-time school program in another country for a period ranging from three (3) months to one (1) year. Under similar conditions students from other countries undertake study in Australia.

After the introduction of the full fee paying programs in Australia in 1990 State and Commonwealth Governments agreed to support the continuance of student exchange programs, in recognition of the positive benefits of student exchange programs, with reciprocity of exchange being accepted in lieu of payment of full fees.

A cross-sectoral Registration Committee for International Secondary Student Exchange Programs is responsible for registering Exchange Organisations in each state and territory and for monitoring their performance particularly in relation to reciprocity.

The principle governing the entry of exchange students is that their entry must not result in financial or social cost to the Australian community.

2. Purpose and Scope

The Lutheran Schools Association is committed to the care, safety and protection of all children attending its schools. The responsibility of those schools extends beyond academic success to the intellectual, physical, social, emotional and spiritual development of children and provision of caring and supportive learning environments in all schools. The responsibility also extends to international students who attend the school as part of a cultural exchange program.

This policy provides a framework for managing the child protection aspects of students participating in secondary student exchange programs in LSA schools.

It is one of a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools and therefore should be read in conjunction with the LSA Child Protection Policy.

3. Policy Statement

Child protection is paramount in any exchange program and each Registered Student Exchange Organisation and School is required to self-audit their policies and procedures to ensure the safety and wellbeing of inbound and outbound students involved in student exchange programs.
4. Legislative Requirements

If schools wish to have the opportunity to host exchange students for short or long-term exchanges or to engage in exchanges with schools or organisations overseas they must comply with national and state guidelines, in order for exchange students to have access to Acceptance Advice of Secondary Exchange Student (AASES) form needed to receive the student visa.

Students enter Australia on a student visa (subclass 571) for which reciprocity must be maintained.

All student exchange programs must be conducted through registered Exchange Organisations which can be private organisations, state or private schools.

National Guidelines

State and Territory Guidelines
Each state and territory convenes a Registration Committee to approve organisations seeking to operate exchange programs. Programs must operate within those guidelines.

Western Australia
Contact Education and Training International, Level 2, 123 Adelaide Terrace, Perth WA 6000, T: (08) 9218 2100 or go to http://www.eti.wa.edu.au/

Northern Territory

South Australia

A list of Exchange Organisations can be obtained from the following offices:

Non Government Schools Secretariat
Level 15, Education Centre,
31 Flinders Street
ADELAIDE SA 5000
Phone: (08) 8225 1006
Fax: (08) 82261616

Association of Independent Schools of SA
301 Unley Road
MALVERN SA 5061
Phone: (08) 8179 1400
Fax: (08) 8373 1116
5. Implementation Requirements

5.1 Schools and School Principals

a. Decide whether or not to participate in an exchange program. This decision will be based on the school being satisfied with the particular arrangements, with the capacity and support for the program from the school community and with the perceived benefits to the school. The number of exchange students should be monitored by the school.

b. Check that the exchange organisation is registered in the state, for both inbound and outbound students.

c. Appoint a teacher responsible for exchange students in their school – the exchange student coordinator - within existing staffing allocations of the school.

d. Ensure that section D of the AASES form is completed when the exchange student arrives and forward to the exchange organisation.

e. Ensure that students are enrolled to study formal subjects at an age appropriate level.

f. Ensure student compliance with visa requirements for attendance, and report unsatisfactory attendance to the exchange organisation.

g. Advise the exchange organisation immediately of any changes in enrolment status.

h. Any other concerns regarding an overseas exchange student’s welfare, behaviour or decline in performance should be taken up with the relevant registered exchange organisation.

i. Ensure that they have thoroughly checked the registered organisation’s arrangements for:
   - student and host family preparation;
   - local support for students including reception, accommodation, details;
   - ongoing counselling support and networks for students;
   - adequate duty-of-care arrangements, which must include:
     o recruitment and selection procedures for host families;
     o criminal history checks;
     o reference checking;
     o mandatory reporting training (as applicable);
     o working with children check (as applicable);
     o details of procedures for regular inspections of student accommodation.

   See Appendix 1 for reference information.

j. Provide the level of pastoral care that would normally be provided for a student of the school.

k. Advise the relevant state or territory committee of any concerns regarding an exchange organisation.

Note: Schools are not responsible for students while overseas on exchange. Any arrangement for a student to join an exchange program is between the student, their family and the exchange organisation.

5.2 Exchange Organisations

a. Before operating any program, an organisation must be registered by the relevant state Student Exchange Registration Committee and then must adhere to the criteria for the Registration of Exchange Organisations; this is particularly relevant if the school is the Registered Organisation. Registration lasts for five (5) years.

b. Are responsible for obtaining the correct visa for the exchange student to enter Australia.

c. Are required to provide adequate local support and pastoral care of the overseas students. Failure to provide appropriate support may lead to de-registration of the exchange organisation.

d. Are responsible for selecting, arranging, vetting and monitoring homestay.

e. Are responsible for ensuring the payment of the Overseas Student Health Cover (OSHC) for students. OSHC is a pre-condition of entry into Australia.

f. Provide orientation and preparation programs for students both before they leave their home country and after arrival in their host country.

g. Provide a preparation program for host families.

h. Provide information about the child protection laws operating in the host country.

5.3 Exchange Students

a. Must adhere to the conditions of Student (Temporary) Visa while in Australia.
b. Must agree to adhere to the conditions of the exchange and complete part C of the AASES form.
c. Must attend the appointed school full time.
d. Must behave in a fit and proper manner.
e. Must not undertake paid employment beyond a maximum of 20 hours per week.

5.4 Parents of Exchange Students
Selection and arrangements for students to join an overseas exchange program is a matter between the student, the parents and the registered exchange organisation.
SA Student Exchange Registration Committee
CHILD PROTECTION POLICIES AND PROCEDURES – SELF AUDIT CHECKLIST

<table>
<thead>
<tr>
<th>Name of Organisation:</th>
<th>CRITERIA</th>
<th>YES/NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CRIMINAL HISTORY SCREENING CHECKS FOR SERVICE PROVIDERS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Criminal History Screening Checks for all service provider individuals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>associated with exchange students eg meet/greet, communicate by phone/email</td>
<td></td>
</tr>
<tr>
<td></td>
<td>etc are completed</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>CRIMINAL HISTORY SCREENING CHECKS FOR SA HOMESTAYS</td>
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<tr>
<td></td>
<td>• Criminal History Screening Checks for Homestay providers (all adults</td>
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<td>residing in the household) for DECS and Independent Schools 18 years</td>
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<td></td>
<td>and above and for Catholic Education Schools 15 years and above (for</td>
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<tr>
<td></td>
<td>inbound students) are completed</td>
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<tr>
<td>3</td>
<td>SCREENING CHECKS FOR INTERNATIONAL HOMESTAYS</td>
<td></td>
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<tr>
<td></td>
<td>• Criminal History Screening Checks for Homestay providers and or other</td>
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<td></td>
<td>forms of screening such as home visits, reference checks, interviews</td>
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<td></td>
<td>(for outbound students) are completed</td>
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<td>4</td>
<td>ENROLMENT/INDUCTION PROGRAMS AND PROCESSES</td>
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<td></td>
<td>Clear documentation covering issues such as:</td>
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<td></td>
<td>• Subject selection</td>
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<td></td>
<td>• Pastoral care/child protection</td>
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<td></td>
<td>• Bullying/harassment</td>
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<td></td>
<td>• Reception, orientation</td>
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<td></td>
<td>• Complaints and grievance procedures</td>
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<td></td>
<td>• Student insurance/Health requirements</td>
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<td></td>
<td>• Buddy system/support/counselling networks</td>
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<td></td>
<td>• Cultural sensitivities</td>
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<td></td>
<td>• Crisis procedures</td>
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<td></td>
<td>• Keeping safe from abuse and physical and emotional neglect</td>
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<td></td>
<td>• Emergency contacts</td>
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<tr>
<td></td>
<td>(For inbound and outbound students and homestay providers)</td>
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<tr>
<td>5</td>
<td>Personal safety to and from the exchange</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Emergency procedures for removal of students from homestay</td>
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</tr>
<tr>
<td>7</td>
<td>Awareness of Mandatory Notification obligations</td>
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<tr>
<td>8</td>
<td>Student Evaluation Form (Guidelines booklet - Appendix 6)</td>
<td></td>
</tr>
</tbody>
</table>
LSA Child Protection for International Students – National Code

1. Overview

There are many advantages of international education. International students benefit the schools that they attend. They can add richness and diversity to a school culture, promote the appreciation of and respect for cultural similarities and differences, add to the cross-fertilisation of ideas, broaden the educational experience of Australian students and generate revenue for the school and the community.

International engagement in education can transform individuals, widening their intellectual horizons, opening them to new ideas and experiences and extending their friendships.

Australia gains significant benefits, socially and economically.

But the benefits depend on the quality of service provided to overseas students, and on public confidence in the integrity and quality of that service, and schools have significant obligations to fulfil in the care of and service delivery to overseas students.

2. Purpose and Scope

The Lutheran Schools Association is committed to the care, safety and protection of all children attending its schools, including overseas students. The responsibility of those schools extends beyond academic success to the intellectual, physical, social, emotional and spiritual development of children and provision of caring and supportive learning environments in all schools.

This International Student – Child Protection Policy and Procedures considers only the aspects of the National Code that relate to the safety and welfare of overseas students and describes what schools need to do to ensure they fulfill their duty-of-care to those students.

It is one of a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools, and therefore should be read in conjunction with the LSA Child Protection Policy.

3. Legislation

The National Code of Practice for Registration Authorities and Providers of Training to Overseas Students (the National Code) is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa. All registered providers must comply with the Code.

The National Code is established under the Education Services for Overseas Students (ESOS) Act 2000. To become CRICOS registered a provider must demonstrate that it complies with the requirements of the National Code. The National Code is a legislative instrument. It is legally enforceable and breaches of the National Code by providers can result in enforcement action under the ESOS Act. This includes conditions on registration, suspension or cancellation of registration.

The National Code complements existing national quality assurance frameworks in education and training including the Australian Quality Training Framework (for registered vocational education and training providers offering these courses) and the National Protocols for Higher Education Approval Processes (for institutions offering higher education qualifications).

An independent evaluation of the ESOS legislation in 2005 and subsequent consultation with states and territories and representatives of industry and student bodies led to the National Code being substantially revised. Students now have more flexible study options and are served by a stronger appeals and complaints process. Education providers have more autonomy to manage a student’s enrolment and monitor his/her progress.

The National Code 2007 came into force on 1 July 2007, replacing the original National Code. Further amendments were made in September 2007.

**National Code 2007 Structure**

The National Code 2007 (pdf 857kb) is divided into four parts:

**Part A** includes a description of its role in the ESOS legislative framework and its purpose and objectives.
1. To support the ESOS framework, including supporting the effective administration of the framework by the Australian Government and State and Territory Governments.
2. To establish and safeguard Australia’s international reputation as a provider of high quality education and training by:
   a. ensuring that education and training for overseas students meets nationally consistent standards;
   b. ensuring the integrity of registered providers.
3. To protect the interests of overseas students by:
   a. ensuring that appropriate consumer protection mechanisms exist;
   b. ensuring that student welfare and support services for overseas students meet nationally consistent standards;
   c. providing nationally consistent standards for dealing with student complaints and appeals.
4. To support registered providers in monitoring student compliance with student visa conditions and in reporting any student breaches to the Australian Government.

**Part B** outlines the roles and responsibilities of the Australian and State and Territory Governments which share the responsibility for implementing the Code.
1. The Department of Education, Science and Training (DEST) is responsible for:
   a. administering the ESOS Act;
   b. managing CRICOS;
   c. monitoring compliance with ESOS and with the standards in the National Code;
   d. investigating breaches of the ESOS Act and the National Code.
2. The Department of Immigration and Multicultural Affairs (DIMA) is responsible for the student visa program and compliance therewith.
3. State and Territory Governments are responsible for regulating delivery in their respective areas.

**Part C** explains the CRICOS registration process including providers’ requirements and obligations.

**Part D** provides 15 standards that providers must meet in their interactions with international students. It is probably the most important and relevant section of the new code of practice. The standards must be met at point of entry to CRICOS. The child protection elements of these standards are clarified in the rest of this policy.

**Resources for Schools**
- Queries relating to Student Visas, contact the helpdesk on studentvisa@immi.gov.au

Adapted from:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Outcome</th>
<th>Compliance Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard 1</strong>&lt;br&gt;Marketing information and practices</td>
<td>1. Marketing that is accurate and ethical&lt;br&gt;2. Marketing that supports and maintains the integrity and reputation of the international education industry</td>
<td>- Market with integrity and accuracy&lt;br&gt;- No false or misleading claims about the school OR about competitors&lt;br&gt;- Ensure the school’s CRICOS number is on all paper and electronic marketing material&lt;br&gt;- Registrar, admissions team members, any other staff member involved should have a good understanding of ESOS Act and National Code&lt;br&gt;- Education agents also qualify as ‘staff’ as they recruit students on your behalf. They should also fulfil all the above requirements (see Standard 4)&lt;br&gt;- To comply with legislation, any non-marketing staff member sent overseas to profile your school, attend expos, meet parents etc must also have a sound understanding of the National Code and its implications. Curriculum or pastoral care expertise is not sufficient.</td>
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<tr>
<td><strong>Standard 2</strong>&lt;br&gt;Student engagement before enrolment</td>
<td>1. Ethical and professional recruitment practices&lt;br&gt;2. Appropriate information so that an informed decision can be made&lt;br&gt;3. Ensure student’s capabilities are appropriate for year level of entry and proposed course/subjects</td>
<td>- Clear process for verification of academic records&lt;br&gt;- Minimum level of English required and whether they need to enrol in an ELICOS course&lt;br&gt;- Information on what constitutes grounds for deferment, suspension or cancellation of enrolment. While a school discipline code or student code of conduct should cover most of these requirements, the information should be included in initial information as there are possible implications for extra visas (see student visa program, Standards 9-13)&lt;br&gt;- Relevant information on living in Australia, including approximate cost of living and accommodation options, in particular: &lt;br&gt;  - Description and map of local area&lt;br&gt;  - Access to public transport&lt;br&gt;  - Approximate travel times from accommodation to school, to the</td>
</tr>
<tr>
<td>Standard 3</td>
<td>Formalisation of an enrolment</td>
<td></td>
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<tr>
<td>------------</td>
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</tr>
<tr>
<td><strong>1.</strong> Confirmation of an enrolment when the student (or parent/guardian if student is under 18) sign an enrolment agreement.</td>
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<tr>
<td><strong>2.</strong> The agreement aims to ensure that both student and parents understand their respective obligations and rights.</td>
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</table>

<table>
<thead>
<tr>
<th>Standard 4</th>
<th>Education agents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> The school does all it can to ensure that the education agents it uses have appropriate knowledge and understanding of international education in Australia.</td>
<td></td>
</tr>
<tr>
<td><strong>2.</strong> Schools must not use agents that act in an unethical or dishonest manner.</td>
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</tbody>
</table>

| 1. | A written agreement setting out the services to be provided, the fees, associated costs and information relating to any refund of fees. |
| 2. | The written agreement must be done before or at the time of any payment of fees. |

- While Standard 3 refers to parent/guardian if a student is under 18, the age of the student is irrelevant and you should be ensuring the usual practice with domestic students, that is, the confirmation of enrolment is signed by the parent/guardian and not by the student or the agent, even though the agent is acting on the parent’s behalf. |
- The overseas student application must include advice to students of their obligation to notify the school if they change their homestay address or move from the boarding house to a homestay.

See Guidelines for Education Agents – Appendix 1
- It is strongly advised that schools not allow agents to use PRISMS under any circumstances.
- Do not use agents who try to students from other Australian schools especially in the first six (6) months of their study.
- Check the agents credentials and certification carefully. |
  - Get feedback from students the agent has sent you. |
  - Check with AEI. |
  - Talk with other schools who use the same agent. |
- State clearly to the agent that migration advice is not to be offered to potential students (as a means of trying to avoid enrolling students who simply want to try and relocate and who are not going to take their studies seriously). |
- Terminate immediately arrangements with any agent who you find to be acting unethically or dishonestly.
### Standard 5

**Younger students**

Most students who come to the schools will be under the age of 18, therefore appropriate accommodation, support and general welfare arrangements need to be put in place before a student will be issued with a visa.

If a school decides to take on the responsibility of approving these arrangements then they must also nominate the period of time for which they will accept this responsibility.

If an overseas student is not being cared for by a parent, relative or nominated guardian (who must be over the age of 21), then the school must put into place arrangements to ensure the personal safety and social wellbeing of the student.

#### Compliance Requirements

- The school must:
  - Nominate the period of time, specifically the dates for which it will take responsibility and the dates must allow extra time beyond the formal period of study to allow for travel arrangements or alternative accommodation, particularly at the end of the school year - this must be done on PRISMS.
  - Have proper documented arrangements for checking the suitability of care and homestay arrangements (see Homestay Guidelines – Appendix 2).
  - Notify DIMA via PRISMS of any changes to the student’s accommodation arrangement or if you no longer approve of these arrangements.

- If a student has come from an ELICOS centre prior to commencement of school then you must take over the responsibility of general care and welfare.

- If you terminate the enrolment of an overseas student then you are still responsible for the student’s general care, support and accommodation until:
  - The student is accepted by another school
  - The student leaves Australia
  - Other suitable arrangements are made.

- It is highly desirable for schools to outsource these arrangements to an experienced organisation, particularly if there are a large number of overseas students. Schools run the risk of not complying with the legislation as their primary function is not a guardianship/welfare agency nor is it in the accommodation business. There are numerous homestay and guardianship agencies in Australia.

- Boarding schools fall into a different category in relation to accommodation, as the school automatically takes on this responsibility, however, with welfare arrangements, you would be wise to ensure separate guardianship care rather than have boarding staff take on this extra responsibility.

- Generally speaking there are advantages in have an external, objective person for...

### Standard 6

**Student support services**

- Quality learning takes place when a student is happy.

Schools must support students to:

- Adjust to life in Australia
- Achieve their learning

#### Compliance Requirements

- The school needs to provide an orientation program that includes the following information:
  - Support services which help the student learn how to adjust to life and...
and well supported. Foreign students experience challenges unique to them, particularly studying in a foreign country, often in a very different environment, without family support and social networks. Schools have an important responsibility to ensure that orientation programs, support services, and staff are provided to help students adjust. Critical incident policies ensure that the interests of both student and family are managed appropriately.

Achieve satisfactory progress through their course of study:

- How to access academic support, ESL support
- General welfare support re attendance, progress, accommodation etc.
- Facilities and resources
- Complaints and appeal processes
- Course progress and attendance issues
- Legal services
- Child abuse support services
- Emergency and health services

Student mentors or buddies can be appointed to assist.

The school must appoint an overseas student contact officer/international student coordinator who is familiar with the ESOS/Act and National Code as well as the full range of the school’s support services. This person should be the first port of call for any concerns by students. Referral to additional outside services may be required and should not be at additional cost to the student (with the exception of private tutoring). The school needs to have enough staff to provide assistance, and ensure that counsellors, vocational teachers, psychologists are familiar with the National Code and their obligations under the ESOS Act.

The school must have clear policies and procedures in relation to critical incidents relative to overseas students including:

- what action is to be taken in the event of a critical incident
- required follow-up action
- records kept of the incident and subsequent action
<table>
<thead>
<tr>
<th>Standard</th>
<th>Outcome</th>
<th>Compliance Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard 7</strong></td>
<td><strong>Students as Consumers</strong></td>
<td><strong>Transfer between registered providers</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The current school has the responsibility to assess the validity of a student’s request to transfer to another school.</td>
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<tr>
<td></td>
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<td>• In general, the student’s request to transfer should be granted where there is no evidence that the transfer will be detrimental to the student.</td>
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<td>• You cannot knowingly enrol a student from another school within the first six (6) months of study unless:</td>
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<td>o the original school has written a letter of release</td>
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<td>o the current school has ceased to be CRICOS registered</td>
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<td>o the student has written support from the government stating that the transfer is in the student’s best interest</td>
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<td>• Documented procedures in place for students requesting transfers to other schools, including:</td>
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<td>o to whom they speak, questions about the teaching/learning environment influencing transfer request, financial implications, role of agent in the request, any subject changes and possible impact on proposed tertiary course(s)</td>
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<td></td>
<td>o reasons why a transfer request might be granted – travel time, evidence of bullying/harassment, unable to provide pre-requisite subjects for a tertiary course</td>
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<td></td>
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<td>o reasons for why a transfer request is unlikely to be granted – friends attend a different school, hearsay regarding proposed school’s reputation and teacher quality, student’s agent claims that X is a ‘better’ school</td>
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<td>o time frame for assessment of the request and a response, which should be as short as possible to avoid student taking the case to a higher authority</td>
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<td>• If a transfer is granted, a letter of release must be provided and the student told to contact DIMA to see if a new visa must be issued. <strong>Note that a letter of release can only be provided when the student has provided a letter confirming their enrolment at another school and stating that the new school will take responsibility for accommodation, welfare and support</strong></td>
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<td>• If the transfer is not granted a letter outlining reasons for refusal must be given to the student, outlining options for appeal (although at this point there are implications for the ongoing relationship between the school and the student, and common sense should prevail. It may be best to release the student even if the reasons are not deemed valid)</td>
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<td></td>
<td></td>
<td>• All student transfer requests, assessments and decisions must be <strong>Standard 8</strong></td>
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<tr>
<td></td>
<td>A complaints and appeals process that is:</td>
<td>Appropriate monitoring and counselling processes and positive relationships reduce the need for a complaints procedure. High quality pastoral care should mean that a student never needs to appeal</td>
</tr>
<tr>
<td></td>
<td>• independent</td>
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</table>


• easily and immediately accessible
• inexpensive
to an independent body.
Nonetheless, the following legislative requirements apply to all CRICOS schools:
• A written process for complaints
• No cost to the student
• Provision of a support person for the student at meetings
• Complainants addressed within 10 working days of receipt
• Written documentation of all meetings and action
• Complaint heard by an external person if school processes fail
• Immediate implementation once a decision has been made

### Standard 9
**Completion within the expected duration of study**

<table>
<thead>
<tr>
<th>Compliance Requirements</th>
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</thead>
<tbody>
<tr>
<td>It is reasonable to believe that there is a relationship between work success and the safety and welfare of a student. International student progress should be assessed and documented through arrangements already in place at the school, with the following additions:</td>
</tr>
<tr>
<td>• Intervention strategy to be implemented preferably as soon as there is a lapse in performance but certainly when a student has not satisfactorily completed 50% of his/her work</td>
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<tr>
<td>• At this point the Secretary of DEST must be informed via PRISMS</td>
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### Standard 10
**Monitoring course progress**

<table>
<thead>
<tr>
<th>Compliance Requirements</th>
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</thead>
<tbody>
<tr>
<td>Schools must systematically monitor a student’s progress</td>
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<tr>
<td>Schools must be proactive in dealing with students who are at risk</td>
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<tr>
<td>Schools must report students to DEST if they have failed to meet course requirements</td>
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</tbody>
</table>

### Standard 11
**Monitoring attendance**

<table>
<thead>
<tr>
<th>Compliance Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closely monitoring international student’s attendance is a key aspect of child protection, with the expectation being 100% attendance.</td>
</tr>
<tr>
<td>• Normal school procedures apply to international students</td>
</tr>
<tr>
<td>• Lack of attendance should be followed up immediately</td>
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<tr>
<td>• Documented attendance requirements for international students should include:</td>
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<tr>
<td>o that an overseas student must attend classes for a minimum of 80%</td>
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<tr>
<td>o attendance will be checked and recorded (ensure staff comply here)</td>
</tr>
<tr>
<td>o processes for counselling if a student has been absent without approval for more than five (5) consecutive days or is at risk of failing the 80% level</td>
</tr>
<tr>
<td>o Under the new National Code, failure to attend only needs to be reported to DEST via PRISMS if the level reaches 70%. If so, this should be stated in attendance requirements. However, it is recommended that the school policy states that 100%</td>
</tr>
</tbody>
</table>

---

**Standard 10 Monitoring course progress**

- Schools must systematically monitor a student’s progress.
- Schools must be proactive in dealing with students who are at risk.
- Schools must report students to DEST if they have failed to meet course requirements.

**Standard 11 Monitoring attendance**

- Schools must systematically monitor student’s compliance with his/her visa conditions in relation to his/her attendance.
- It is reasonable to believe that there is a relationship between work success and the safety and welfare of a student. International student progress should be assessed and documented through arrangements already in place at the school, with the following additions:
  - Intervention strategy to be implemented preferably as soon as there is a lapse in performance but certainly when a student has not satisfactorily completed 50% of his/her work.
  - At this point the Secretary of DEST must be informed via PRISMS.
- Closely monitoring international student’s attendance is a key aspect of child protection, with the expectation being 100% attendance.
  - Normal school procedures apply to international students.
  - Lack of attendance should be followed up immediately.
  - Documented attendance requirements for international students should include:
     - that an overseas student must attend classes for a minimum of 80%.
     - attendance will be checked and recorded (ensure staff comply here).
     - processes for counselling if a student has been absent without approval for more than five (5) consecutive days or is at risk of failing the 80% level.
     - Under the new National Code, failure to attend only needs to be reported to DEST via PRISMS if the level reaches 70%. If so, this should be stated in attendance requirements. However, it is recommended that the school policy states that 100%.
<table>
<thead>
<tr>
<th>Standard 12</th>
<th>Course credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doctor's certificates for absence DO NOT constitute a waiver for attendance. If a student is reported for reaching the 80% level and has provided doctor's certificates, DEST will discuss the situation with the school and determine if there has been a breach of visa requirements.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 13</th>
<th>Deferment, suspension of study or leave of absence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• While deferment or suspension of enrolment is possible on the grounds of compassionate or compelling reasons such as illness, it is recommended that it is in a student's best interest to go back home to the support of his/her family.</td>
<td></td>
</tr>
<tr>
<td>• An overseas student must comply with the school's policies and standards for behaviour. If he/she clearly violates these the school is entitled to suspend him/her or cancel his/her enrolment. If suspension is deemed suitable, it is recommended for the student's safety that this be internal.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff, Educational Resources, Premises and Student Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard 14</td>
</tr>
<tr>
<td>Staff has to be suitably qualified and/or experienced to be able to provide quality teaching and learning experiences for international students.</td>
</tr>
<tr>
<td>• Document procedures for the recruitment, induction, professional development of staff who are engaged in any area of international student interaction – ie the recruitment, teaching and support of students</td>
</tr>
<tr>
<td>• All staff needs to be aware of his/her responsibilities under the legislation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 15</th>
<th>Changes to the school's ownership or management</th>
</tr>
</thead>
</table>
Appendix 1: Guidelines for Selecting Agents

Points to consider when drafting an agent’s agreement:

- How long has the agent been operating?
- How big/small are they? How many people (counsellors) do they employ?
- Are they registered with any government department in the country they recruit from?
- Do they have a licence to show their authenticity? (This is not, however, always a guarantee of quality)
- Are they familiar with the ESOS Act and National Code?
- What is their commission rate and conditions?
- Do they use sub-agents? If so who are they and how are their activities monitored?
- How do they recruit students? What are their strategies?
- What follow up, if any, do they have with students they have placed in schools?
- How many students do they send to Australia each year and also to Victoria?
- Do they have an office in Melbourne?
- Do they also send students to other countries and which ones? (to find out if their main interest is in Australia. If not, then you may be wasting your time/get very few students, if any.)
- What other schools do they recruit for?
- Do they have any references from other schools?
- It may also be worthwhile asking whether the agent has completed a training course. There is now a joint venture with AEI/DIMA that allows agents to complete an online agent’s course. See www.pieronline.org/eatc
Appendix 2: Guidelines for Homestay

- The homestay provider must be an adult resident in Australia and must provide a stable family environment.
- The family environment must be suitable for the age and gender of the student, and English should be the main language spoken in the home.
- A homestay should meet the school’s requirements for a safe and secure environment.
- The homestay should be within reasonable access to public transport.
- Homestay should provide a single room with access to a study area (this can be in student’s room).
- Homestay family must provide supervision appropriate to the age and maturity of the student.
- This supervision includes out-of-school hours, study and pastoral care.
- It is recommended that no more than 2 students are placed in the same homestay.
- If the homestay family has not previously hosted an international student from your school, it is recommended that you provide an orientation program for the members of the family.
- You should inspect all homestay accommodation and ensure police checks and Working With Children Checks (for students under 18) are approved before a student is placed in the home.
- You should provide homestay families with an information booklet which outlines the family’s and the school’s expectations.
- It is recommended that the school obtains frequent feedback from the student in relation to their homestay provision.
- The homestay should also inform the school if they feel that the student’s behaviour or attitude may negatively impact on their studies/stay in Australia.
- The homestay should inform the school if there are any changes in their information/details they provided to the school.
- It is recommended that you visit the homestay families at least twice a year to check on accommodation and also develop a good relationship with the family.
### Appendix 3: Sample Risk Assessment International Student – Child Protection

#### Likelihood

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-Almost certain</td>
<td>High</td>
<td>High</td>
<td>Extreme</td>
<td>Extreme</td>
<td>Extreme</td>
</tr>
<tr>
<td>B-Likely</td>
<td>High</td>
<td>High</td>
<td>Extreme</td>
<td>Extreme</td>
<td>Extreme</td>
</tr>
<tr>
<td>C-Possible</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td>Extreme</td>
<td>Extreme</td>
</tr>
<tr>
<td>D-Unlikely</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td>Extreme</td>
</tr>
<tr>
<td>E-Rare</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td>High</td>
</tr>
</tbody>
</table>

#### Consequences

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Risk Level</th>
<th>Recommended Action/Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-Almost certain</td>
<td>Insignificant</td>
<td>Develop guidelines for assessing potential homestay placement</td>
</tr>
<tr>
<td>B-Likely</td>
<td>Minor</td>
<td>Interview student and family to assess appropriate ‘fit’</td>
</tr>
<tr>
<td>C-Possible</td>
<td>Moderate</td>
<td>Develop criteria for assessing homestay providers</td>
</tr>
<tr>
<td>D-Unlikely</td>
<td>Major</td>
<td>Develop procedures for complaints</td>
</tr>
<tr>
<td>E-Rare</td>
<td>Catastrophic</td>
<td>Appoint a staff member to manage international students and nominate that person as the first port of call for staff, family and homestay providers</td>
</tr>
</tbody>
</table>

#### In determining the Risk Level, use the following risk assessment matrix:

<table>
<thead>
<tr>
<th>Cat</th>
<th>Description</th>
<th>Consequence</th>
<th>Risk Level</th>
<th>Recommended Action/Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homestay</td>
<td>Inappropriate homestay placement</td>
<td>• Negative impact on student welfare</td>
<td>X</td>
<td>Develop guidelines for assessing potential homestay placement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Possible abuse of student</td>
<td>X</td>
<td>Interview student and family to assess appropriate ‘fit’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Student at risk if spends time elsewhere</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Inadequate homestay selection</td>
<td>• Possible abuse of student</td>
<td>X</td>
<td>Develop criteria for assessing homestay providers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Reputations of school damaged</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Reputations of Australia as a provider of education damaged</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Inadequate homestay orientation</td>
<td>• Negative impact on student welfare</td>
<td>X</td>
<td>Orientation program for homestay providers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Conflict between student/homestay or</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Escalation of homestay incident</td>
<td>• Negative impact on student welfare</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Inadequate communication with homestay family</td>
<td>• Student welfare not monitored</td>
<td>X</td>
<td>Appoint a staff member to manage international students and nominate that person as the first port of call for staff, family and homestay providers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Non-compliance with visa requirements</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Student lacking</td>
<td>Student lacking English skills</td>
<td>• Social isolation</td>
<td>X</td>
<td>Test English language proficiency and ask for written confirmation</td>
</tr>
<tr>
<td>English skills</td>
<td></td>
<td>• Academic failure</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Agents</td>
<td>Inadequate communication</td>
<td>• Agents may promote school inappropriately</td>
<td>X</td>
<td>Develop guidelines for selecting agents</td>
</tr>
<tr>
<td></td>
<td>Incorrect advice about school/Australia to family or student</td>
<td>• Negative impact on student welfare</td>
<td>X</td>
<td>Preparation of detailed information about the school, course, subjects, location for agent, Selection of agent with local knowledge</td>
</tr>
<tr>
<td>Absenteeism</td>
<td>• Cancellation of visa</td>
<td>X</td>
<td>Include attendance expectations in initial information pack for families Attendance expectations and follow-up provided as part of student orientation</td>
<td></td>
</tr>
<tr>
<td>Student Behaviour</td>
<td>Academic failure</td>
<td>• Cancellation of visa</td>
<td>X</td>
<td>Require student academic records to assess ability level School coordinator provides information about possible subjects and assists in subject choice</td>
</tr>
<tr>
<td><strong>Student Behaviour (cont)</strong></td>
<td><strong>Lack of cultural understanding</strong></td>
<td>• Conflict with others</td>
<td>• Social isolation</td>
<td>X</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Poor relationship with a staff member</strong></td>
<td>• Negative impact on academic achievement</td>
<td>X</td>
<td>Provide an objective support person for students</td>
<td>Provide professional development about International students for staff</td>
</tr>
<tr>
<td><strong>Lack of understanding of Australian laws (eg drinking or driving age)</strong></td>
<td>• Student prosecuted for breaking the law</td>
<td>• Cancellation of visa</td>
<td>X</td>
<td>Include information in student orientation</td>
</tr>
<tr>
<td><strong>Visa or passport out of date</strong></td>
<td>• Student deported</td>
<td>X</td>
<td>Appoint a coordinator of international students to manage the administrative requirements</td>
<td>Provide professional development for international student coordinator and registrar</td>
</tr>
<tr>
<td><strong>No current Medical insurance</strong></td>
<td>• Family liable for significant medical bills</td>
<td>• Student deported</td>
<td>X</td>
<td>Appoint a coordinator of international students to manage the administrative requirements</td>
</tr>
<tr>
<td><strong>Breach of visa conditions</strong></td>
<td>• Student deported</td>
<td>X</td>
<td>Appoint a coordinator of international students to manage the administrative requirements</td>
<td>Provide professional development for international student coordinator and registrar</td>
</tr>
<tr>
<td><strong>Credit card management</strong></td>
<td>• Student at increased risk if they run out of funds</td>
<td>X</td>
<td>Include relevant information about financial management in orientation program</td>
<td></td>
</tr>
<tr>
<td><strong>Gambling debts</strong></td>
<td></td>
<td>X</td>
<td>Ensure contact with family</td>
<td></td>
</tr>
<tr>
<td><strong>Extortion</strong></td>
<td></td>
<td>X</td>
<td>Appoint a coordinator of international students to monitor student finances and provide assistance</td>
<td></td>
</tr>
<tr>
<td><strong>Poor management of finances</strong></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bullying or sexual harassment at school</strong></td>
<td>• Negative impact on student welfare and performance</td>
<td>X</td>
<td>Include information about student code of conduct and complaints processes as part of orientation</td>
<td>International student coordinator to provide support and liaise with staff who deal with discipline issues</td>
</tr>
<tr>
<td><strong>Bullying at homestay</strong></td>
<td>• Negative impact on student welfare and performance</td>
<td>• Student may try to stay elsewhere and</td>
<td>X</td>
<td>Guidelines for selection of homestay</td>
</tr>
<tr>
<td><strong>Sexual abuse at homestay</strong></td>
<td>• Serious risk to student welfare</td>
<td>X</td>
<td>Include information about the management of this situation in student orientation</td>
<td>Critical incident plan should include procedures for managing this situation, including removing the student from the homestay, emergency accommodation, reporting the incident to the police (mandatory report), and informing the family</td>
</tr>
<tr>
<td><strong>Problems with travel arrangements</strong></td>
<td>• Negative impact on international study</td>
<td>X</td>
<td>Include information in information pack for international students</td>
<td></td>
</tr>
<tr>
<td>Critical Incident</td>
<td>Details</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>---------</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Accidental death of student</td>
<td>Include procedures for dealing with this in the critical incident management plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harm/abuse of student</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>School Structures</th>
<th>Details</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over-reliance on international students for enrolments</td>
<td>School may not be able to provide the facilities, resources and staff to ensure the safety and wellbeing of all international students. Students form their own cliques and miss out on the genuine international experience.</td>
<td></td>
</tr>
<tr>
<td>Non-compliance with DIMA/DEST regulations</td>
<td>School de-registered as a CRICOS school</td>
<td></td>
</tr>
</tbody>
</table>

| | X |
| | Training in National Code requirements for everyone involved with the management of international students |
PROTECTIVE PRACTICES FOR STAFF
IN THEIR INTERACTIONS
WITH STUDENTS

GUIDELINES FOR
SCHOOLS, PRE-SCHOOLS AND
OUT-OF-SCHOOL-HOURS CARE

Grateful acknowledgement is made of material provided by:

Catholic Education Office Diocese of Parramatta
Foreword

These guidelines form part of a set of child protection policies that have been developed in collaboration with Catholic Education South Australia and the Association of Independent Schools of South Australia. The government and non government school sectors are committed to establishing child protection standards that are consistent across all South Australian schools.

Protective practices for staff in their interactions with students provides clear advice to all adult members of preschool, school and out-of-school-hours care communities for the establishment of positive, caring and respectful relationships with children and young people. The main intent of this document is to safeguard the emotional and physical wellbeing of children and young people by promoting in adults an enhanced understanding of appropriate relationship boundaries. In achieving this it is hoped that staff can feel confident about meeting their responsibilities to students and about providing leadership with co-workers to do the same.

Each of these desired outcomes will contribute to safer, more successful preschool, school and out-of-school-hours care environments for all of the people who learn and work in them.

Steve Marshall
Chief Executive
Department for Education and Children’s Services

Allan Dooley
Director
Catholic Education SA

Garry Le Duff
Executive Director
Association of Independent Schools of SA

Protective Practices For Staff In Their Relationships With Students 2004

June 2005

For further information, contact:
Department of Education and Children’s Services
31 Flinders Street
Adelaide
South Australia 5000

Catholic Education South Australia
116 George Street
Thebarton
South Australia 5031

Association of Independent Schools of South Australia
301 Unley Road
Malvern
South Australia 5061
Introduction

The South Australian education sectors, represented by the Department of Education and Children’s Services, Catholic Education South Australia, and the Association of Independent Schools of South Australia, are committed to fostering mutual trust and respect between the children, young people and adults who make up their educational communities.

This document provides advice to staff about the requirements made of them in their interactions with students. Caring, protective and encouraging forms of touch are healthy and important elements of human interaction. The intent of these guidelines is to encourage staff to continue relating to students with warmth, honesty and respect. They are also intended to provide clarity about when, and in what ways, interactions with students can cause harm. (For definitions of the terms ‘staff’, ‘students’ and ‘pre-school’, see Glossary on page 4.)

The need for this document is supported by the following guiding principles of the National Safe Schools Framework (Australian Government Department of Education, Science and Training, 2003).

Australian schools

- ensure that roles and responsibilities of all members of the school community in promoting a safe and supportive environment are explicit, clearly understood and disseminated
- take action to protect children from all forms of abuse and neglect
- affirm the right of all school community members to feel safe at school.

The guidelines set out below require a commitment from all staff:

- to ensure that student safety and wellbeing are paramount within our pre-schools
- to contribute to a culture of staff safety and wellbeing.

Glossary

For the purposes of this document the following definitions apply.

**Staff**

employees, paid workplace participants and volunteers

**Pre-school**

pre-schools, kindergartens, out-of-school-hours care and vacation care services, junior primary, primary, secondary, senior secondary schools and any associated boarding facilities

**Students**

all children and young people enrolled at or attending the sites defined under pre-school
Key duty-of-care requirements of staff in their relationships with students

Duty-of-Care
In the pre-school context, Duty-of-care is a common law concept that refers to the responsibility of pre-school staff to provide students with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect students from all reasonably foreseeable risk of injury. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the duty-of-care owed by teachers to students is extremely high. In their relationships with students, staff is required to ensure that the physical and emotional welfare of students is safeguarded, and that their own behaviour with students is always regulated by this duty-of-care both within and beyond the pre-school setting.

Maintaining professional boundaries with students
Teaching and care professions are predicated on positive relationships and pre-schools are places where all staff can have significant influence in students’ lives. The relationship of an adult staff member and student is characterised by differing roles and an imbalance of power based on a number of factors including age, authority and gender.

The staff member is responsible for maintaining a professional role with the student. This means establishing clear professional boundaries with students that serve to protect everyone from misunderstandings or a violation of the professional relationship.

The following examples will assist staff in establishing and maintaining appropriate boundaries.

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Example of violation</th>
</tr>
</thead>
</table>
| Communication   | • Inappropriate comments about a student’s appearance including excessive flattering comments  
• Inappropriate conversation or enquiries of a sexual nature (eg questions about a student’s sexuality)  
• Use of inappropriate pet names  
• Vilification or humiliation  
• Jokes or innuendo of a sexual nature  
• Obscene gestures and language  
• Facilitating access to pornographic or overtly sexual material  
• Failing to stop sexual harassment between students  
• Correspondence of a personal nature including letters, email, phone, SMS text (not including class postcards/ bereavement cards, etc) |
| Personal disclosure | • Discussing personal details of lifestyle of self or others. It may be appropriate and necessary at times, however, to draw on relevant personal life experiences when teaching  
• Sharing of personal information about other staff or students |
<p>| Physical contact | • Unwarranted, unwanted and/or inappropriate touching of a student |</p>
<table>
<thead>
<tr>
<th>Boundary</th>
<th>Example of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>personally or with objects (eg pencil or ruler)</td>
</tr>
<tr>
<td></td>
<td>• Initiating or permitting inappropriate physical contact by a student, eg massage, tickling games</td>
</tr>
<tr>
<td>Place</td>
<td>• Inviting/allowing/encouraging students home</td>
</tr>
<tr>
<td>(without pre-school's</td>
<td>• Attending students’ homes or social gatherings for personal reasons</td>
</tr>
<tr>
<td>authority)</td>
<td>• Being alone with a student outside of a staff member’s responsibilities</td>
</tr>
<tr>
<td></td>
<td>• Watching students in a change room when not in a supervisory role</td>
</tr>
<tr>
<td></td>
<td>• Driving a student unaccompanied</td>
</tr>
<tr>
<td>Targeting individual</td>
<td>• Tutoring (outside education sectors’ directives)</td>
</tr>
<tr>
<td>students</td>
<td>• Personal gifts and special favours</td>
</tr>
<tr>
<td></td>
<td>• Adopting a welfare role that is the responsibility of another staff member eg counsellor, or doing so without the knowledge of key staff members</td>
</tr>
</tbody>
</table>

Professional boundary violations by a staff member represent a breach of trust and a failure to meet a duty-of-care to students. When staff violate boundaries they risk:

- harmful consequences for the student
- seriously undermining the learning process
- seriously undermining the professional reputation of the staff member
- disciplinary action for the staff member.

Staff members may also fail to maintain professional boundaries by operating beyond the responsibilities of their role, and beyond their expertise. Students who raise significant personal problems with a staff member they trust need to be referred, preferably with their knowledge, to a person on staff with specialized skills, for example, a school counsellor or pastoral care coordinator. The staff member can continue to play a supportive role with the student in collaboration with specialist staff.

Staff must not, under any circumstances, engage in an intimate, overly familiar or sexual relationship with a student. Improper conduct of a sexual nature by a staff member against a student includes all forms of sexual activity, including kissing, and any other form of child abuse as well as but not limited to the following.

- Obscene language or gestures of a sexual nature.
- Suggestive remarks or actions.
- Jokes of a sexual nature.
- Unwarranted and inappropriate touching.
- Undressing in front of students.
- Correspondence (spoken or text) with students in respect of the staff member’s sexual or personal feelings for the student.
- Deliberate exposure of students to sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual.
**Good practice in managing professional boundaries**

The following self-assessment questions may assist staff members in assessing their application of professional boundaries:

- Am I dealing in a different manner with a particular student than with others under the same circumstances?
- Is my dress/availability/language different from the normal with a particular student?
- Would I do or say this if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for students?
- If I were a parent would I want an adult behaving this way towards my own children?

**Responding to inappropriate/sexual behaviour of staff towards students**

Staff in pre-schools is mandated notifiers and are therefore required under the Children’s Protection Act to report suspected child abuse to the Child Abuse Report Line (CARL) on 131478. A report must be made irrespective of who is implicated: a colleague, friend, senior staff member, volunteer, parent, visitor or other student. The detail of the notification remains a confidential exchange between the staff member and the staff at CARL.

In addition to a report to CARL the staff member must also notify the principal/director of their concerns about the colleague so that appropriate procedures can be followed within the pre-school. Such procedures are designed to ensure that students’ wellbeing is safeguarded and that staff members’ rights are respected.

If the principal/director is the subject of the suspicion, observation or allegation, staff must report to the principal’s/director’s line manager, employer or appropriate central office personnel.

The complexities of these situations are acknowledged. Nevertheless, staff must be supported in managing their sensitivities or discomforts because their duty-of-care to the student remains their paramount responsibility. Staff is encouraged to discuss these issues and procedures as part of their mandatory notification training.

Staff may also observe behaviours in colleagues that they view to be inappropriate rather than abusive or that sit on the border of violating a professional boundary. Staff must ensure, through their principal or a senior staff member that the adult concerned is made aware of the potential of their actions to impact negatively on students, and on themselves. Professional advice of this kind may be particularly valuable to young or newly appointed staff. The principal or senior staff member should document what is discussed.

All staff must take action if students disclose information about inappropriate behaviours of other adults on the site. It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the pre-school community the principal/director or senior staff member must be informed as a matter of urgency.

**Responding to inappropriate/sexual behaviour of students towards staff**

Should a student engage in inappropriate behaviour of a sexual nature then immediate respectful steps must be taken to discourage the student. The matter should be reported and documented promptly with appropriate personnel in the pre-school and a plan of action developed to support the
student and relevant staff member. Depending on the age/ability of the student and contextual information this plan of support may involve:

- communication with parents
- referral to and liaison with specialist counselling
- formalised support within the pre-school which may include closer monitoring or supervision
- referral to and liaison with appropriate agency with disability specific expertise.

Inappropriate sexual behaviour towards staff, in younger children, can elicit a suspicion that a child has been sexually abused himself/herself. In these situations staff must:

- make a mandatory notification to the Child Abuse Report Line on 131478
- consider the safety of other students with whom the student has contact
- develop and document a plan of action and communication with all relevant parties (including other agencies)
- seek advice, if required, from Child Protection Services at the Women’s and Children’s Hospital on 8161 7346 or Flinders Medical Centre on 8204 5485.

It is recognised that at times students may actively seek a relationship with a staff member that would constitute an inappropriate relationship. In such circumstances, staff members are advised to immediately report the information to the principal/director and seek assistance from a senior staff member, school counsellor or pastoral care coordinator to actively manage the situation in a way that respects the emotional wellbeing of the student and provides support to the staff member. Examples of behaviours that should be reported and addressed are receiving gifts of an inappropriate nature or at inappropriate times, flirtatious gestures and comments, inappropriate social invitations, and correspondence that suggests or invites an inappropriate relationship. The staff member should document the incident that initially prompted their concern and the plan of action agreed to by the principal/director.

Serious sexual harassment or assault of a staff member by a student should be dealt with following normal behaviour management protocols with the involvement of parents and police. Along with this response, consideration must also be given to the most appropriate counselling and support that can be provided to the student and family. It is important to use these incidents as opportunities to organise meaningful interventions that address early sexual offending behaviours.

Managing boundaries for staff in specialist roles

In some situations in performing their professional role with students, staff may be required to work in a one-to-one situation with a student. Examples are counselling, conducting educational/physical assessments, conducting home visits, providing health care, mentoring, coaching or tutoring. All work of this kind must occur as an authorised pre-school activity so that arrangements can be put in place that minimise risk. The main considerations to be made of one-to-one work are location, time and parental consent/knowledge.

- **Location**: The more visible, public and busy the location the better. Where home visiting cannot be avoided parents should be present, or staff should visit in pairs.
- **Time**: Using normal pre-school hours is preferable to out of pre-school hours. Length of one-to-one contact should not generally exceed an hour and a half.
- **Consent/knowledge**: Other than the areas discussed below, it is essential that parents be informed/consent to activities that involve their son/daughter in one-to-one unsupervised contact with staff.

**NB**: Volunteers are subject to the supervision policies of the individual sector.
Counsellors/pastoral care coordinators/health providers

These school positions rely in different ways on providing privacy for students. Adolescents in particular will often seek as much privacy as possible when they access adult advice or intervention. Students reporting harassment or bullying or disclosing serious issues of a personal nature often expect and assume a high level of confidentiality. For these reasons schools need to find a careful balance between, on the one hand respecting the sensitive and private nature of counselling and, on the other hand, the counsellor’s duty-of-care obligations for the safety and wellbeing of the student. Very generally, unlocked rooms with part-glass doors that are located near staff traffic areas will help minimise risk. Staff in these positions should avoid out-of-hours contact. While parental consent is not applicable in these situations, good practice for schools is to provide all parents with information about their counselling and pastoral care staff and the service they provide to students.

Appropriate physical contact, non-physical intervention and physical restraint

Appropriate physical contact by a staff member to assist or encourage a student

At times, staff members will be required to give practical assistance to a student who is hurt or needs particular assistance or encouragement. The following examples of physical contact that are acceptable are:

- administration of first-aid
- helping a child who has fallen
- assisting with the toileting and personal care needs of a disabled student (NB An individual plan for students with these needs must have been negotiated with parents/carers.)
- non-intrusive gestures to comfort a student who is experiencing grief and loss
- non-intrusive touch, eg congratulating a student by shaking hands. Staff should remember the importance of accompanying such touch with positive and encouraging words.

Good practice with school age children

- Seeking students’ permission to touch (keeping in mind that a highly distressed student may be incapable of expressing their wishes).
- Avoiding touching a student anywhere other than the hand, arm, shoulder, or upper back.
- Avoiding being with a student in a one-on-one, out of sight situation, and never touching a student in such a situation.
- Not presuming that a hug or a touch is acceptable to a particular student. Even non-intrusive touch may be inappropriate if a student indicates they do not wish to be touched.
- Respecting and responding to signs that a student is uncomfortable with touch.
- Using verbal directions rather than touching, eg asking a student to turn this way, rather than physically placing the child in the required position. Using this approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons, eg with aquatic or gymnastic instruction, always telling the student that you need to hold them in a particular way and seeking their permission to do so.
- In some circumstances, staff may need to discourage younger children from unnecessary reliance on touching such as holding hands or wanting to have hugs or cuddles. This should be done gently and without embarrassment or offence to the child.

Good practice with preschool children

Staff working in pre-schools is often involved in toileting children, changing their clothes and comforting them for a range of distresses normal in the preschool age group. In providing such care staff should be aware of the following good practice:

- When children indicate they want comfort, ensure that it is provided in a public setting and that it is in keeping with the guidelines provided above.
Signs of discomfort in children such as stiffening, pulling away or walking away must be respected. In these situations the child must continue to be observed/monitored until their distress is managed.

- Children must not be left in states of high distress for long periods. Parents need to be contacted under these circumstances.
- Staff should follow the preschool’s toileting and changing policy.

**Using non-physical intervention in a student management situation**

Non-physical intervention is the recognised means of managing student conduct. Where a problem with a student becomes apparent, non-physical interventions include:

- directing other students to move away from the situation
- talking with the individual student (asking the student to stop the behaviour, and telling the student what will happen if they do not stop)
- directing the student to a safe place
- directing other students to a safe place
- sending for assistance from other staff, or in extreme cases, the police.

Use of verbal directions is always preferred to physical intervention. It is not appropriate to make physical contact with a student (eg pushing, grabbing, poking, pulling, blocking etc) in order to ensure they comply with directions. Under no circumstances should staff engage in any form of conduct which might cause physical or emotional harm to students.

**Using physical restraint where a student’s safety is threatened**

Physical intervention can involve coming between children, blocking a child’s path, leading a child by the hand or arm, shepherding a child away by placing a hand in the centre of the upper back, removing potentially dangerous objects, and in extreme circumstances, using more forceful restraint.

Staff may make legitimate use of physical restraint, if all non-physical interventions have been exhausted and a student is:

- attacking another student or staff member
- posing an immediate danger to themselves or others.

Staff is to use physical interventions only as a last resort. Maintaining good order is never a reasonable justification for using force or restraint.

**Physical restraint is not to be used as a response to:**

- property destruction
- pre-school disruption
- refusal to comply
- verbal threats
- leaving a classroom or the school, unless student safety is clearly threatened.

Appropriate physical force may be permitted to ensure that the employer’s duty-of-care to protect students and staff from foreseeable risks of injury is met. Common law defences such as self defence, and defence of others remain legitimate reasons for the use of physical contact. Everyone has the right to defend himself/herself against an attack provided they do not use a disproportionate degree of force to do so.
Safe practice guidelines when using physical restraint

The use of restraint with a student in situations where the safety of others is threatened is to prevent injury. The restraint must be reasonable in the particular circumstances, and must be in proportion to the circumstances of the incident. It must always be the minimum force needed to achieve the desired result, and take into account the age, stature, disability, understanding and gender of the student. For example, if restraining a near-adolescent or adolescent female, care should be taken to avoid contact with breasts.

It may be a valid decision for a staff member not to use physical force in a situation involving several students, or a physically larger student, where the staff member believes that doing so would increase the likelihood of injury to himself/herself. In such cases, the staff member should remove other students who may be at risk and seek help from another staff member, or in extreme cases the police.

Parents should be informed at enrolment of the pre-school’s policy on physical contact with students.

Do

- Continue talking with the student throughout the incident. Make clear that physical restraint will stop when it ceases to be necessary to protect the student or others.
- Grip clothing rather than the body, whenever possible.
- Document incidents promptly and keep these records with the principal/director. The record should include
  - the name of child/children involved
  - location of incident
  - name of witnesses (staff and/or children)
  - incident outline (including child’s behaviour, what was said, steps taken, degree of force applied, and how applied)
  - child’s response and outcome
  - details of any injury or damage to property.
- Inform parents promptly and fully of any incident involving the physical restraint of their child and provide them with opportunity to discuss the matter at the time they are informed.
- Ensure sector specific guidelines regarding other forms of documentation are followed, for example critical incident forms.
- Provide/offer confidential debriefing, counselling support and OHSW documentation to all staff involved in incidents of restraint.

Don’t

Use restraint that involves:

- force applied to the head or neck
- restrictions to breathing
- punching
- kicking
- holding by the hair or ear
- confining a student in a locked room or limited space without access to staff.
Working with students with special needs

All sections of this document require careful interpretation when applied to students with special needs. For example, students with intellectual disabilities may engage in a much wider range of physical and overtly sexual behaviours towards staff and other students as a result of their disability. Similarly, staff will need to engage more often in physical contact and touch with these students as a means of meeting their duty-of-care to them. In fact touch itself may be an agreed form of communication between a student, their parent and staff members where the student has a communication disability. Students with disorders causing violent and unpredictable behaviours are likely to have formalised restraint procedures agreed to by staff and parents/carers. Toileting assistance or processes for changing clothes will be necessities for some students.

Because of these differences staff needs to be more vigilant and thoughtful in their physical interactions with students with special needs. Children and young people with disabilities are over represented in the child protection system. Their vulnerabilities mean they have an increased reliance on the adults providing their care to protect them from harm. Immediately reporting any inappropriate behaviour towards students from other adults is a critical obligation of staff and one that must not be delayed, minimized or delegated. See section – ‘Responding to inappropriate/sexual behaviour of staff towards students’.

Pre-schools support students with disabilities through various forms of individual student plans. The common features of these plans are that they involve all people who deal with the student on a regular basis, including other service providers, and they document the agreed strategies that are to be used in supporting the student. These plans are particularly important when challenging behaviours, personal care and hygiene and special physical considerations are an issue at the pre-school (e.g. toileting, transport within and beyond the pre-school environment, situations where physical restraint is occasionally required etc). The possibility of restraint and the nature of that restraint for students with special needs should be addressed in the individual plan as should alternative strategies for preventing harm to others. The plan process should involve the student as far as possible.

It is appropriate that different approaches are likely to be needed from staff in their interactions with students with special needs. However, the basic principles outlined elsewhere in this document remain applicable to all students. Staff has a duty-of-care to protect students from physical and emotional harm and while the ways of meeting the duty may differ for different groups, the duty itself remains unqualified. Staff is expected to meet this duty in a manner that respects the dignity of all children and young people as well as their vulnerabilities.

Cultural considerations

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. Staff has a responsibility to become as familiar as possible with the values of the various cultural groups enrolled in a pre-school. Many culturally based community organisations are very keen to address staff about the values of their culture so as to establish optimum understanding and respect between parents, their children and the pre-school. It is critical that staff appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone, and particularly for students.

Many children and young people attending our pre-schools are recently arrived in Australia. Some have backgrounds of severe trauma, ranging from the observation of extreme physical violence and abuse to being victims of such violence and abuse themselves. The needs of these children and their families are acute and the issue of establishing what will be received as appropriate, helpful touch is therefore all the more essential. Staff needs to employ considerable diplomacy, care and effort in their early interactions with the children and families that are known or suspected to have escaped traumatic circumstances.
SCREENING AND CRIMINAL HISTORY CHECKS
POLICY GUIDELINES

A Framework for Guiding Screening Practice in Education and Care Settings

Government of South Australia
Department of Education and Children’s Services

A I S S A
ASSOCIATION of INDEPENDENT SCHOOLS of SA

Catholic Education
SOUTH AUSTRALIA
Foreword

This document forms part of a set of child protection policies that have been developed by the Department of Education and Children’s Services, Catholic Education South Australia and the Association of Independent Schools of South Australia. The government and non-government school sectors are committed to establishing child protection standards that are consistent across all South Australian schools and care environments.

An essential element of a safe learning or care environment is that the adults working and volunteering in that environment pose no threat to the wellbeing of children and young people. One of the ways in which organisations can establish the suitability of employees and volunteers to work with children and young people is to conduct screening and criminal history checks. The 2005 amendments to the Children’s Protection Act 1993 provide the legislative base for employee and volunteer screening in education and care settings. This document outlines the framework within which government and non-government education and care organisations will conduct their screening and criminal history checking procedures. Its key features are that it;

◊ promotes consistent standards of screening and monitoring practice across government and non-government education and care environments,

◊ reinforces that the assessment of an individual’s suitability to work or volunteer with children is continuous and does not end with a criminal history check, and

◊ commits the government and non-government school sectors to regularly monitor the consistency of their screening practice through inter-sectoral child protection committee structures.

Jan Andrews
A/Chief Executive
Department for Education and Children’s Services

Allan Dooley
Director
Catholic Education SA

Garry Le Duff
Executive Director
Association of Independent Schools of SA

Scope

This document is the basis for the screening guidelines and protocols of the Department of Education and Children’s Services, Catholic Education South Australia and the Association of Independent Schools of South Australia as they relate to entrusted persons and all persons identified in legislation as requiring a criminal history check who work, train or volunteer in a care or educational environment. Each sector provides advice to its education communities regarding the implementation of these guidelines.
Objectives
The objectives of this policy are to:

a. Minimise and guard against potential risks to children and young people in education and care settings.
b. Establish the suitability, integrity, identity and credentials of persons working and volunteering in education and care settings.
c. Ensure screening practices meet legislative requirements as they apply to persons working and volunteering in education and care environments.
e. Limit the need for persons to undergo multiple or duplicate screening processes.
f. Promote consistency of screening standards between the three school sectors and the Teachers Registration Board.
g. Help clarify professional standards in education and children’s services to inform the work of key appeal, licensing and registering bodies.

Principles
This policy is based on the following principles:

h. The safety of children and young people is of paramount concern and shall not be overridden by any other interests.
i. Persons must be suitable to work or volunteer with or in close proximity to children and young people at all times.
j. A determination about a person’s suitability to work or volunteer with or in close proximity to children and young people must be based on sufficient and relevant information.
k. The assessment and monitoring of a person’s suitability to work or volunteer with or in close proximity to children and young people is continuous.
l. Risks to children and young people must be responded to whenever they become known or suspected.
m. Personal and sensitive information about a person’s history must not be misused.

Consent
Employment and volunteer screening shall be conducted with the informed consent of the person being screened.

Definitions
For the purposes of this policy the following definitions apply.

5.1 Chief Executive Officer
The most senior person responsible for the day to day running of the organisation.

5.2 Credentials
Anything which is the basis for the belief or trust of others in a person’s abilities or integrity.

5.3 Entrusted Person
Any individual who works, trains or volunteers in an organisation where their position is defined as:

(a) working with or in close proximity to children and young people or
(b) having access to records relating to children and young people or
(c) contributing to policy or decisions affecting children and young people in education and care environments
(d) supervising or managing persons who work with or in close proximity to children and young people
(e) a position defined under legislation as requiring a criminal history check

The definition of a Volunteer Entrusted Person is provided in the attached sector specific guidelines.
5.4 Identity
To recognise or establish as being a particular person.

5.5 Informed consent
Consent provided following the provision of information relating to the conduct and requirements of the screening process.

5.6 Integrity
Soundness of principle and character.

5.7 Organisation
A group of people such as an independent school, government department, education authority, education association or body with a role in providing education or care to children and young people or in approving/licensing others to do so.

5.8 Probity
The level of integrity necessary to ensure the honest, conscientious and safe conduct of one’s working and volunteering relationships and activities.

5.9 Shall
Indicates that a statement is mandatory.

5.10 Should
Indicates a recommendation.

5.11 Close proximity
In a location or role where regular opportunities arise for formal or informal contact, conversation or observation of children and young people.

5.12 Checking Agency
South Australia Police, agency recognized by South Australia Police or agency defined in legislation.

5.13 Volunteer
An individual who undertakes defined activities of their own free will, without payment (other than out of pocket expenses), which will be of benefit to the community and the organisation.

Entrusted Person Screening

6.1 Probity
Probity shall be addressed at the recruitment stage and stressed as a primary requirement. It should be monitored during the term of employment or volunteering. Existing entrusted persons shall be screened to meet the same standards required of potential entrusted persons where legislation or the contract of employment allows.

6.2 Responsibility
The Chief Executive Officer shall ensure that the organisation has in place an effective process that provides for the screening of all current and potential entrusted persons in keeping with legislation and child protection commitments.

6.3 Risk Management
This policy forms part of the organisation’s risk management strategy. The level of screening conducted on an entrusted person for the role should be commensurate with the level of risk posed by that particular role, as identified through the risk management process. The child protection risk strategy used by the organisation assesses levels of risk, based on the following considerations:

(a) Nature of the contact
   (i) sustained or short-term
   (ii) level of supervision
   (iii) on or off the site
   (iv) physical or non physical
   (v) day or overnight

(b) Nature of the child/young person
   (i) age/maturity,
   (ii) social awareness and competence,
   (iii) physical or intellectual disability,
   (iv) language/ cultural based vulnerability (such as new arrivals)
   (v) social/emotional based vulnerability (such as children under the Guardianship of the Minister/children in care.)
6.4 Basic Requirements

(a) The organisation has a process that provides for effective screening of entrusted persons.

(b) The organisation has child protection policies relating to employee and volunteer training, professional conduct, supervision, and, complaints and investigations that are essential to supporting the principles of Clause 3.

(c) The requirement for full and honest disclosure during the screening process shall be a condition of initial and ongoing engagement. Potential entrusted persons shall be informed in writing of their responsibility to notify the organisation should there be a significant change in their personal circumstances that relates to the screening purpose; for example criminal offence charges and convictions, restraining orders, injunctions, intervention orders, disciplinary proceedings, investigations.

(d) This process shall also include a risk assessment of all new programs, activities and positions.

(e) To fulfil the objectives of Clause 2, education and care organisations shall regularly assess the consistency of their screening practices through intersectoral structures.

6.5 Process For Potential Employee Entrusted Persons

To fulfil the objectives of Clause 2 the following checks shall be undertaken in the process of verifying the identity, integrity and credentials of entrusted persons.

(a) Identity

(i) An identification check is conducted to confirm that the entrusted person is who they purport to be.
   • Organisations shall use the “100 points system” of identification.
   • Organisations shall not require an individual’s tax file number as proof of identity as this is an offence under the Taxation Administration Act.

(ii) Verify address.

(b) Integrity

The following shall be checked

(i) Curriculum vitae to ensure there are no unexplained gaps or anomalies

(ii) Character references. In order to establish a history of probity, personal references and employment references should be sought. Organisations should undertake whatever follow-up with referees is necessary in order to establish confidence in the entrusted person.

(iii) Criminal history checks (National criminal record check) shall be conducted through a checking agency that is either the South Australian Police, SAPOL, or an agency recognised by SAPOL or legislation, for example CrimTrac.

(iv) Determinations about whether an individual’s criminal history shall preclude them from working or volunteering with children and young people should be risk managed in the following ways. Persons undertaking determinations
   • should be without vested interest in the appointment or recruitment of any particular individual.
   • shall be required to meet at least the screening standards outlined in 6.5
   • shall possess the necessary experience and qualifications to assess criminal histories on behalf of the organisation.
   • shall be familiar with any protocols relating to the movement of staff between sectors or exchange of information with the Teachers Registration Board.

(v) With the knowledge of the entrusted person, checks shall be made of any other relevant databases where this is permissible under legislation / agency agreements. Such checks shall be undertaken by the identified screening personnel in the organisation.

(c) Credentials

Sight the following:

All of the entrusted person’s declared academic qualifications and relevant professional memberships.
References. Checks shall be undertaken with former employers or relevant human resource departments of large employers to verify employment history credentials such as dates of employment and positions held. Reference checking should include whatever follow-up is required to establish confidence in the entrusted person’s credentials.

(d) Employer notification obligations

(i) Current employees whose employment is affected by an unfavourable finding during the screening process shall be informed of any legislative or administrative rights of review or appeal available.

(ii) The organisation shall use its best endeavours to ensure there has been no breach of human rights or discrimination legislation before advising a potential employee of their failure to gain a position.

6.6 Process For Potential Volunteer Entrusted Persons

The following shall be checked

(a) Character references. In order to establish a history of probity, suitable character references shall be sought. Organisations should undertake whatever follow-up with referees is necessary in order to establish confidence in the entrusted person.

(b) Criminal history checks (National criminal record check) shall be conducted through a checking agency that is either the South Australian Police, SAPOL, or an agency recognised by SAPOL or legislation, for example CrimTrac.

Communication

An effective communication strategy is a key element in the successful implementation of entrusted person screening. All entrusted persons should be informed why screening is undertaken and how this process will impact on the organisation’s employment/recruitment process. All forms of advertising for entrusted person positions should include a statement about the organisation’s commitment to child protection.

Special Requirements

Organisations are responsible for ensuring that their screening protocols meet legislative requirements relating to employees and volunteers working with children and young people.
ATTACHMENT - Definition of Volunteer Entrusted Persons

Background:
Education and care settings are unique in the degree to which they encourage and accommodate parental participation. Positive partnerships with parents are seen to play a significant role in the overall effectiveness of the education and care process. With regard to criminal history checking, it is important and necessary to distinguish between when a parent is involving themselves primarily in their own child’s learning or care and when they are volunteering as an entrusted person.

The following distinctions apply with regard to screening.

**Entrusted Person Volunteers (screening, including criminal history checks, is required)**
Parents and non parents shall be viewed as entrusted person volunteers and be required to undergo screening including a criminal history check when they are engaged in the following
- any overnight camps/school sleep-overs/billeting
- working one-to-one with other people’s children, eg LAP, music, drama, coordination skills etc
- acting as a coach or manager of teams or groups of children and young people.
- working in resource centres, offices, managing canteens etc.
- accepting a position on governing/school council, boards or committees. (This is to protect against people adversely influencing the protective climate of an education/care environment through the decisions of committees or boards. The organisation shall determine which committees this will apply to.)

Please Note:
Criminal history checks are **not** required for one-off guest presentations such as guest speakers, concert performers or attendance at one-off events such as sports days, working bees and whole of school/centre events.

**Parent participation (no criminal history check required).**
Parents shall not be required to undertake a criminal history check, if each of the following three conditions is met.
- Teacher/staff supervision is provided at all times
- Their own child is involved in the activity and is the main focus of the parent’s participation. (This includes one off - events where their child may not be directly involved in the activity such as sports days, concerts, working bees and other whole of school/centre events.)
- The site’s relevant authority confirms their status as the parent or primary carer. (The enrolling parent/guardian and the school must approve extended family members, de facto partners and step-parents.)

Examples of parent participation are:
- Hearing reading in the child’s class
- Assistance with excursions (eg to the zoo) or special events (eg religious celebrations) that involve the child’s class or child care service
- Attending as a guest for a one off event, working bees, sports days and other whole of school/centre events
- Canteen assistance (under the supervision of a canteen “manager” who has undergone full screening)
- Assisting with transport where their own child is present in the vehicle and informed parental consent is obtained. (that is, name of transporting parent is provided)
- Site leaders have the right to require a parent to undergo screening, at their discretion. This may be appropriate if a parent’s initial level of participation alters over time or if a staff member expresses concerns about the parent’s relationships with children or young people.

**Additional risk management of volunteers**
Sites follow established selection, mandatory notification training, supervision, monitoring and record keeping protocols for volunteers. Volunteers are made familiar with the expectations contained in the *Protective Practices for Staff in their Interactions with Students Guidelines.* Site leaders retain the right to
- Discontinue a volunteer at any time if concerns exist about their suitability to be working with children
- Bar a person (parent or otherwise) from the school grounds through the Control of Trespass & Misbehaviour on School Premises Education Regulations 1997 (government sector only) if their behaviour threatens the wellbeing of staff, parents or children.