

Child Safe Policy

Introduction

The New England Conservatorium of Music has a duty of care to ensure that children are not subject to abuse in education and care settings. Education and care workers play a significant role in the protection of children from abuse and neglect. It is the responsibility of all education and care workers to treat children with dignity and respect, to act with propriety, and to protect children in their care.

This policy has been developed in line with the NSW Ombudsman guidelines for child protection in the workplace and procedures for the management of child protection and in line with the relevant legislation regarding child protection.

Definitions

Throughout this document:

- a. *Abuse*: refers to all aspects of abuse, ie neglect, physical, emotional/psychological and sexual
- b. *Children or child*: refers to persons under 16 years of age
- c. *Young persons*: refer to those over 16 years and under 18 years of age
- d. *Parent*: refers to parent, guardian and caregiver
- e. *External organisation*: Refers to any organisation including government and non-government primary school, secondary school or pre-school. External organisations also include tertiary institutions, churches or any other organisation where children are engaged. External organisations are also defined as being beyond the administrative or legal control of the NECOM.
- f. *Personnel*: refers to any employed, volunteer or visiting person engaged by the NECOM specifically to work with children. Where personnel are specifically related to the NECOM they are referred to within this policy as NECOM personnel.

Purpose

This policy guides workers (paid and volunteer) on how to behave when interacting and engaging with children in our organisation. The policy focuses on how we can build and maintain a Child Safe environment which is inclusive, transparent and promotes children's participation.

The purpose of this policy is to document NECOM's practice in:

1. Children's Participation.
2. Recruitment
3. Complaints Management and Reporting
4. Training and supervision of workers
5. Other legislation, industry standards and internal policies
6. Communication
7. Review

1.1 Children's participation

NECOM supports the active participation of children in the programs, activities and services we offer. We provide a range of ways to allow children to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions.

1.2 Recruitment

NECOM will maintain a rigorous and consistent recruitment, screening and selection process. Upon completion of a successful interview and to ensure that all requirements under the child protection legislation are met, the following steps will be taken in the recruitment process:

1.2.1 Advertisement

All job advertisements will include a message about NECOM's commitment to child safety and reference to NECOM's code of conduct and child safe policy. The advertisement will inform applicants of the appropriate rigorous reference and background checking that will be undertaken, including a Working with Children Check and identity check.

1.2.2 Interviews

The interview process will be designed as open-ended style of behavioural-based questioning to give NECOM insight into the applicant's values, attitudes and understanding of professional boundaries and accountability involved in the position.

1.2.3 Reference checks

Reference checks will be conducted on all preferred applicants. NECOM will check at least two referees with preference given to recent employers and referees that can provide insights into the applicant's experience working with children.

1.2.4 Probation period

All new NECOM employees will be subject to a probation periods to help assess a new staff member's performance and suitability for the job before confirming their permanent employment. The length of probation periods will be between three and six months. During the probation period, the new employee will receive closer supervision and additional training.

1.2.5 Working With Children Check

The preferred applicant will be required to complete a NSW Working with Children Check as per the requirements of the Commission for Children and Young People and the Office of the Children's Guardian. Application and information for the NSW Working with Children Check can be done at the Office of the Children's Guardian website www.ocg.nsw.gov.au. As a paid employee, they must also pay an \$80 fee for a five year clearance. Once the preferred applicant receives a clearance, he or she will be issued with a Working With Children Check number. The preferred applicant must provide this number to NECOM, along with their surname and date of birth for online verification.

All offers of employment with the NECOM are contingent upon a successful Working with Children Check.

All current and new employees of the NECOM are responsible for and must have applied for, and provided to the NECOM, their NSW Working With Children Number by 1 March, 2017. A failure to provide the Working With Children Check number by this date will result in immediate suspension of duties without pay until the Working with Children Check has been completed and provided to NECOM.

1.2.6 Verification of the Preferred Applicant

NECOM will verify the preferred applicant's Working With Children Check status on-line. If the check is successful, then the preferred applicant will be offered a contract of employment.

1.3 Complaints Management and Reporting

1.3.1 (i) Reportable Conduct (employee focussed)

Under Part 3(A) of the *Ombudsman Act 1974* NECOM must notify the Ombudsman of all reportable allegations and convictions that arise during the course of, or from, the employee's work. Reportable conduct under Section 25A (1) of the *Ombudsman's Act 1974* refers to the following:

- a. Any sexual offence or sexual misconduct committed against, with or in the presence of a child including a child pornography offence; or
- b. Any assault, ill treatment or neglect of a child; or
- c. Any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.

(ii) Procedures for reporting when allegations have been made against NECOM staff to NECOM:

- a. Inform the Director, NECOM (or Program Manager if the allegation relates to the Director)
- b. NECOM Director (or Program Manager) must contact the Ombudsman to determine whether or not disciplinary action is required and what the reporting obligations are in the circumstances surrounding the report.
- c. NECOM Director (or Program Manager) to follow Ombudsman's advice regarding reporting to the Child Protection Helpline (133 627) and police in accordance with the *NSW Ombudsman's Act 1974* and *Child Protection Legislation Amendment Act 2003*.
- d. In accordance with legislation, the Director, NECOM (or Program Manager) will report any allegation of child abuse without initial reference to the personnel to FaCS and the Ombudsman's Office. Under legislation, NECOM will not investigate the matter further until formal investigations by relevant external organisations are complete.
- e. NECOM Director (or Program Manager) to inform the Regional Conservatoriums Officer, Department of Education.

1.3.2 (i) Mandatory Reporting (child focussed)

Sections 23 and 27 of the *Children and Young Persons (Care and Protection) Act 1998* require mandatory reporters to report to Community Services if they have current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- a. the basic physical or psychological needs of the child or young person are not being met (neglect)
- b. the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- c. the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the *Education Act 1990* (unwilling or unable to do so)
- d. risk of physical or sexual abuse or ill-treatment (physical or sexual abuse)
- e. parents or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- f. incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)

All NECOM employees are mandatory reporters.

(ii) Procedures for reporting concerns (child focussed)

All NECOM employees are mandatory reporters and should follow normal procedures for reporting matters where they believe the child is at risk of significant harm:

- a. The Director of NECOM
- b. gather relevant information to be included in a report to Community Services, however staff are not permitted to investigate or ask students for further information. Where a legitimate concern exists, report first.
- c. Report concerns directly to the Child Protection Helpline (133 627)
- d. If these concerns relate directly to the actions of the Director, report these directly to the Child Protection Helpline (133 627).

1.4 Training and supervision of workers

NECOM promotes respect, fairness and consideration for all workers.

1.4.1 Induction

Prior to commencing employment at NECOM, staff will be provided with a copy of the Child Safe Policy and Code of Conduct (Adults) and Code of Conduct (Children and Young People). It is an expectation of employment at NECOM that all staff familiarise themselves with and adhere to these documents. The Program Manager will set up a meeting to discuss the policies and allow the new worker to ask questions and clarify their understanding.

1.4.2 Training

All staff will be required to complete annual training in Child Protection which will be provided at NECOM's expense. NECOM will continue to ensure that all staff are aware of their responsibilities in relation to child protection by:

- a. Providing regular training and information sessions on child protection issues.
- b. Providing staff with relevant information and updates from child protection agencies.
- c. Encouraging staff to visit the following websites for additional information if required:
 - (i) NSW Department of Community Services www.community.nsw.gov.au
 - (ii) NSW Ombudsman www.ombo.nsw.gov.au
 - (iii) NSW Commission for Children & Young People www.kids.nsw.gov.au

1.5 Other legislation, industry standards and internal policies

1.5.1 State legislation

This policy builds on and complements the following state legislation and other documents.

- a. *Child Protection (Working With Children) Act 2012*
- b. *Commission for Children and Young People Act 1998*
- c. *Child Protection (Prohibited Employment Act) 1998*
- d. *Children and Young Persons (Care and Protection) Act 1998*
- e. *Ombudsman Act 1974*
- f. *Child Protection (Offenders Registration) Act 2000 (NSW)*
- g. *Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)*
- h. *Children and Young Persons (Care and Protection) Amendment Bill 2009*
- i. *Commission for Children and Young People Amendment Act 2005 (note repeal of Section 5 (1) with effect from January 2, 2007).*
- j. *Crimes Act 1900*
- k. *Privacy Act 1988*
- l. *Freedom of Information Act 1982*
- m. *Department of Community Services, NSW Guidelines for Child Protection Intervention*
- n. *NSW Interagency Guidelines for Child Protection Intervention 2000 edition revised 2005*
- o. *NSW Attorney General's Department Lawlink website to law and justice agencies*
- p. *Mandatory Notification Information Package of Department of Education, Training and Employment, 1997*

Copies of legislation are available at http://www.austlii.edu.au/legis/nsw/consol_act

1.5.2 NECOM internal policies

This policy should be read in conjunction with the following NCOM policies and resources:

- a. NCOM Code of Conduct
- b. NCOM Complaints and Allegations Policy *

- c. NCOM Risk Management Policy
- d. NCOM Grievance Policy
- e. NCOM Privacy Policy
- f. NCOM Policy for Peripatetic Teaching in Schools
- g. NCOM Staff Handbook

1.6 **Communication**

- a. Child Safe will be a regular agenda item at NCOM staff meetings and workers will be encouraged to ask questions and contribute to the continuous improvement of NCOM's Child Safe policies, procedures and practices in the workplace.
- b. NCOM's Child Safe Policy will be discussed during induction sessions for all new workers, volunteers and students.
- c. Children and parents joining our programs will be directed to a copy of NCOM's Policy and Codes of Conduct on the relevant NCOM program registration form.
- d. The NCOM Codes of Conduct will be clearly displayed in all rehearsal rooms and administrative spaces.

1.7 **Review**

The NCOM Child Safe Policy and Codes of Conduct will be reviewed every two years to incorporate comments and suggestions from our range of stakeholders.

Policy developed: 2005

Policy ratified by NCOM Board: February 2006

Policy Updated: January 2008

Policy re-ratified by NCOM Board: February 2008

Policy reviewed: June 2013

Policy re-ratified by NCOM Board: February 2014

Policy reviewed: June 2016

Policy re-ratified by NCOM Board: 17 August 2016

Authorisation



Signature:

Chair, NCOM Board

Date: 17 August 2016