

# CHILD PROTECTION POLICY

## This policy is informed by:

- CMS Student Welfare Policy 2015
- CMS Child Protection Policy (*reviewed May 2016*)
- ACT Children's and Young People Act 2008  
<http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf>
- Ombudsman Act 1989 <http://ombudsman.act.gov.au/reportable-conduct-scheme>
- Background Check on Staff and Volunteers Policy 2016

## 1. Statement

Protecting students from harm is the first consideration of the Canberra Montessori School (CMS) where a learning environment that respects the right of students to be safe in their place of learning, work and play is maintained. This policy document is provided to staff including employees, contractors and volunteers during their employment or engagement with CMS to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in the ACT.

This policy outlines the key concepts and definitions under the relevant legislation including mandatory reporters and reportable conduct. It also sets out expected standards of behaviour in relation to employees and contractors and their relationship with students.

## 2. Rationale

2.1 Reportable conduct covers a broader range of conduct compared to the types of child abuse which must be reported to Child and Youth Protection Services.

CMS requires all staff to report any concern about the safety, welfare or wellbeing of a child or young person to the Principal or delegate.

CMS requires all staff to report reportable conduct of a member of staff to the Principal or delegate. If the allegation involves the Principal, the report should be made to the Chair of the Canberra Montessori Society.

2.2 This obligation is part of the School's overall commitment to the safety, welfare and wellbeing of children.

2.3 In accordance with the Ombudsman Act 1989, CMS employees must report allegations, offences or convictions relating to child-related misconduct by an employee to the Ombudsman. It does not matter whether or not the employee was engaged in the conduct in the course of employment or whether a child consents to the conduct as long as the person was an employee at the time the employer became aware of the allegation.

2.4 Reportable conduct includes:

CMSCPP003

Page 1 of 5



- sexual offences and convictions where a child is a victim or is present
- offences against the person, including physical offences and convictions, where a child is a victim or is present
- inappropriate discipline or offences relating to protecting children from harm in accordance with the provisions of the Education and Care Service National Law (ACT) Act 2011.
- ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention)
- psychological harm
- misconduct of a sexual nature.

2.5 According to the legislation, reportable conduct does not include behaviour that is:

- reasonable discipline, management or care of a child taking into account the characteristics of the child and any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child, or
- held to be trivial or negligible conduct after being investigated and recorded as part of workplace procedures, or
- prescribed by regulation.

Examples of behaviour that is not considered reportable include:

- touching a child to attract the child's attention, to guide a child, or to comfort a distressed child
- when a teacher raises his or her voice to attract attention or restore order in a classroom, or
- when there is accidental contact with a child.

Reportable conduct includes allegations, offences and convictions relating to any of the above. Each of these categories is outlined in the ACT Ombudsman Practice Guide No.2 - Identifying Reportable Conduct: [http://www.ombudsman.act.gov.au/\\_data/assets/pdf\\_file/0009/81000/No.-2-Identifying-Reportable-Conduct.pdf](http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0009/81000/No.-2-Identifying-Reportable-Conduct.pdf)

2.6 As mandated reporters, staff at CMS are usually required to make a report in the first instance to the Principal if they believe on reasonable grounds that a child or young person has experienced or is experiencing non-accidental physical injury or sexual abuse and the belief arises from information obtained in the course of, or because of the staff member's employment. If the Principal is unable to make the report to Child and Youth Protection Services or the Ombudsman, the staff member must make the report personally.

### 3. Definitions

*Reasonable grounds* include:

- A disclosure by a child
- A disclosure by another person
- Observation of a child's physical condition or behaviour that leads to a belief that the child is suffering non-accidental or sexual abuse.

**Mandated Reporters:** The Children and Young People Act 2008 requires teachers, teacher assistants, persons employed to counsel children or young people in a school, and public servants who, in the

course of employment as a public servant, work with or provide services personally to children, young people and their families or who has contact with children and young people and their families, to notify Child and Youth Protection Services when they believe on reasonable grounds that a child or young person has experienced, or is experiencing, sexual abuse and/or non-accidental physical injury.

**Required Reporter:** Anyone who is employed or contracted by CMS and is not a mandated reporter.

**Mandatory Reporting:** Section 356 of the Children and Young People Act 2008 outlines the legal requirement of a Mandated Reporter to report suspected cases of child abuse when they believe, on reasonable grounds, that a child or young person has experienced, or is experiencing, sexual abuse and/or non-accidental physical injury.

**Voluntary Reporting:** Section 354 of the Children and Young People Act 2008 enables anyone to make a voluntary report to Care and Protection Services if they believe or suspect a child or young person is being abused or neglected, or is at risk of abuse or neglect.

**Prenatal Reporting – anticipated abuse and neglect:** Section 362 of the Children and Young People Act 2008 enables a person to make a voluntary prenatal report if they suspect or believe a child, once born, may be in need of care and protection.

**Child and Young Person:** The Children and Young People Act 2008 defines, a child as a person under the age of 12 years. A young person is a person who is 12 years old or older, but not yet 18 years old.

**Child Abuse:** Child abuse describes different types of maltreatment that endanger a child's or young person's safety, wellbeing and development. Child abuse can be a single incident or a chronic pattern of behaviour over time and may be intentional or unintentional. Child abuse may be experienced in families, the broader community and within schools.

**Neglect:** Refers to a failure to provide a child or young person with the basic needs for his or her physical, emotional/psychological and intellectual development and may be chronic or episodic in nature. Child abuse and neglect may lead to long term harm to the physical or emotional well being and development of a child or young person.

**Visitors:** Visitors in schools include people from the wider community, including the international community, who provide services directly to students or in support of students, through an employing or sponsoring organisation and or as volunteers. (Refer to the Visitors in Schools Framework)

**Reasonable Grounds:** A belief that a child or young person has experienced or is experiencing abuse or neglect may be formed when the abuse is disclosed, someone advises you, or your own observations of the physical condition, or observations of the behaviour of the child or young person or someone who has responsibility for the child or young person indicates abuse may have occurred or is occurring.

<b>Approved by:</b>	<b>Date:</b>	<b>Next Review Date:</b>
Principal	07/08/2020	07/08/2022