

Bhaktivedanta Swami Gurukula

Founder-Acarya His Divine Grace A.C. Bhaktivedanta Swami Prabhupada

BSG 4.1.6

Safe and Supportive Environment Child Protection Policy

Revision Schedule			
Date	Version No	Changes	By
15/7/2011	V1.0	New Document (adapted from school's policies of 2008; includes legislation references)	Headmaster
18/7/2011	V1.1	Minor addition – ways of informing staff, volunteers and external providers of their legal responsibilities (page 6)	Recommendation of BoS, Headmaster

Document Approval			
Name	Version No	Date	Approved
School Board	V1.0	15/7/2011	Yes

Stakeholders	
Document Owner	Headmaster
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Purpose

The purpose of this policy is to establish a framework for the Bhaktivedanta Swami Gurukula (herein after referred to as 'School') community (including employees, students, family members, outside tutors, external providers and volunteers) to be proactive in creating a safe and supportive school environment. This 'child protection' policy specifically addresses the position of the School regarding compliance with the requirements of the NSW Child Protection legislation. Several other School policies which are also relevant to an integrated approach to the creation of safe and supportive school environments are listed at the conclusion of this policy.

Policy Framework

The School affirms that it is consistent with the School's philosophy that all students and their families and employees have the right to a learning and work environment that is safe and supportive. This policy statement emphasizes the responsibility of the School to provide care and support. On this basis, employees, students, and other members of the School community are called to establish working, teaching and learning relationships which are grounded in truth, mutual respect, dignity and justice in accordance with the Core Values of the School.

Relationships of quality

A good school is based on the principles of care, respect, understanding and discipline. These are inseparable from the provision of a safe and supportive school environment. The fostering of an atmosphere of care, respect, truthfulness and self-discipline is a responsibility shared by all people involved in our school

community. Where such an atmosphere exists, the risk of harm to children and complaints involving employees are both minimized.

In the event of departure from these standards resulting in complaints or grievances, these will be met with openness and in a way that recognizes conflicts, disputes, misbehaviour or misconduct as opportunities for growth and understanding; for acknowledging the impact of individual actions; for repairing harm; and for fostering responsible, accountable relationships and behaviours that take others' perspectives into account.

Restorative approaches encourage members of the school community to take responsibility for creating positive, quality relationships in a climate of respect, dignity and safety. Concerns about an employee's conduct towards a child may arise from an absence or deterioration in positive relationships. Where such concerns involve conduct that may constitute 'reportable' or 'exempt' conduct or misconduct, these concerns will also be managed in accordance with the requirements of the NSW child protection legislation.

Policy Content

A 'safe and supportive school environment' is one that protects the spiritual, emotional, psychological and physical well-being of students, employees and other members of the school community.

A safe environment

A safe environment is one where the risk of harm is minimized and employees and students feel secure. Harm relates not only to dangers in the physical environment, involving such matters as architecture and construction, lighting, space, facilities and safety plans, but also refers to violence, physical threats, verbal abuse, threatening gestures, emotional or psychological harm, sexual harassment, and racial vilification.

A supportive environment

A supportive environment facilitates and enhances the social, academic, physical and emotional development of students, employees and other members of the school community. A supportive environment strives to be one in which:

1. all members of the school community are treated with respect and fairness
2. members of the school community feel valued
3. effective teaching and learning takes place
4. positive support and encouragement are provided by members of the school community
5. non-discriminatory language and behavioural practices are defined, modelled and reinforced by members of the school community
6. consultation takes place on matters relating to students' education and welfare
7. consultation as appropriate takes place on matters relating to the health, safety and welfare of members of the school community.

A safe and supportive school environment is a product of respect for the dignity the individual. This policy seeks to promote the recognition of individual dignity.

Safe and supportive school environments: the NSW Child Protection Legislation

The Bhaktivedanta Swami Gurukula is committed to compliance with the NSW Child Protection Legislation, general principles of duty of care, as well as other legislative obligations that impact upon the provision of safe and supportive school environments.

In this policy, the Bhaktivedanta Swami Gurukula reaffirms its commitment to the legislative requirements contained in the following Acts that relate to child protection in New South Wales:

- Part 3A *Ombudsman Act 1974*
- Part 7 *Commission for Children and Young People Act 1998*
- *Child Protection (Prohibited Employment) Act 1998*
- *Children and Young Persons (Care and Protection) Act 1998*

Part 3A Ombudsman Act 1974

This legislation requires that designated government and non-government agencies (including non-government schools) must notify the NSW Ombudsman of any allegation of 'reportable conduct' or a conviction related to 'reportable conduct' involving an employee.

These agencies are also required to properly investigate and respond to reportable allegations and convictions, and 'exempt' allegations involving misconduct by an 'employee' towards a child.

For the purposes of this legislation, a 'child' is a person under the age of 18 years.

For the purposes of Part 3A *Ombudsman Act 1974*, the definition of 'employee' is very broad. In keeping with the legislative definition, for the purposes of this policy, an 'employee' includes paid employees, whether or not employed in connection with work that relates to children, and also includes 'any individual engaged to provide services to children' in a school whether in a paid or voluntary capacity (for example, parent volunteers and members of the clergy who perform a task for a school are included in this definition of 'employee').

The role of the NSW Ombudsman is to audit, oversight, monitor or review the employer's response to 'reportable' or 'exempt' allegations including intake decision making, and appropriate risk assessment, risk management and appropriateness of findings.

The Bhaktivedanta Swami Gurukula acknowledges its responsibility to establish, maintain and disseminate appropriate policies and procedures for responding to allegations against 'employees' including the equitable implementation of intake, intake assessment, and risk management processes.

The School will ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsmans Act 1974* are known and observed.

Part 7 Commission for Children and Young People Act 1998 and Child Protection (Prohibited Employment) Act 1998

These two pieces of legislation and associated guidelines comprise the NSW *Working With Children Check* that is administered by the NSW Commission for Children and Young People. The *Working With Children Check* requires employment screening for preferred applicants for paid child-related employment and

prohibits persons who have been convicted of a 'serious sex offence' or the murder or kidnapping of a child (under 18 years old) from applying for, undertaking or remaining in child-related employment.

All 'employees' whether paid or voluntary are required to sign a Prohibited Employment Declaration stating whether or not they are a 'prohibited person'. A 'prohibited person' may apply for an exemption permitting the person to remain or engage in child-related employment (subject to or without conditions). Child-related employment screening of a prospective employee involves:

1. a national relevant criminal record check (child-related offences)
2. a check of relevant Apprehended Violence Orders (involving children), and
3. a review of relevant employment proceedings completed by a previous employer and notified to the employment screening database maintained by the NSW Commission for Children and Young People.

The *Working With Children Check* legislation and Guidelines require employers to notify the Commission for Children and Young People of 'relevant employment proceedings' for inclusion in the employment screening database. A 'relevant employment proceeding' means a disciplinary proceeding against an employee by an employer that involves 'reportable conduct' or an 'act of violence committed by the employee in the course of employment and in the presence of a child'.

The School acknowledges its responsibility to establish and maintain appropriate recruitment, selection and screening processes in accordance with this aspect of the child protection legislation. This includes ensuring that all staff are informed of their legal responsibility related to child protection legislation, mandatory reporting and other relevant school expectations.

'Reportable conduct'

In relation to both Part 3A Ombudsman Act 1974 and Part 7 Commission for Children and Young People Act 1998, an allegation of 'reportable conduct' is one involving:

1. any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
2. any assault, ill-treatment or neglect of a child, or
3. any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

(Refer to Appendix 2 for a detailed explanation of a 'reportable conduct')

'Exempt' conduct

An allegation of reportable conduct may be exempt from notification to the NSW Ombudsman or the NSW Commission for Children and Young People if it involves:

1. conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
2. the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
3. conduct of a class or kind exempted from being reportable conduct by the Ombudsman or by the *Working With Children Check* guidelines.

The School acknowledges its responsibility to establish and maintain appropriate procedures for responding to allegations of 'reportable' and 'exempt' conduct by an employee towards a child.

Children and Young Persons (Care and Protection) Act 1998

This Act sets out the means by which the Community Services can intervene to protect children and young persons from risk of harm. **The Act requires persons in certain professions and management positions, including teaching and school leadership**, to report to Community Services a 'current concern of risk of harm' to a child (up to 15 years old) or (in certain circumstances) to a young person (16 and 17 year olds). The School acknowledges all its staff dealing with children and all its managers are mandatory reporters in the case of any reasonable suspicion of harm to a child.

The school acknowledges its responsibility to establish and maintain appropriate procedures to support mandatory reporters in fulfilling their reporting obligations to Community Services. The School will ensure that operational policies and procedures are implemented in accordance with each Act that comprises the NSW child protection legislation so that:

1. employees, outside tutors, contractors and volunteers who have direct contact with students have undertaken training about their legal responsibilities in relation to child protection, mandatory reporting, and other relevant expectations as to appropriate and professional conduct in schools
2. all employees, volunteers, outside tutors and external providers are informed of the requirements for the School to notify and investigate allegations of 'reportable conduct' and investigate 'exempt allegations' in compliance with *Part 3A Ombudsman Act 1974*
3. the School meets the employment screening and notification requirements of *Part 7 Commission for Children and Young People Act 1998*
4. all employees, volunteers, outside tutors, and external providers are informed of their obligations under the *Child Protection (Prohibited Employment) Act 1998*
5. all employees who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* are informed of their obligations and the process that schools have in place in relation to mandatory reporting, and that
6. responses to the child protection legislative responsibilities will be in accordance with the principles of privacy and procedural fairness.

Mandatory Reporting Summary

Who is mandated to notify?	What is to be notified?	Maltreatment types for which it is mandatory to report	Relevant sections of the Act/Regulations	Who is to be notified?
All the employees of the Bhaktivedanta Swami Gurukula	Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work	Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to family violence	Sections 23 and 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	Community Services Child Protection Helpline on 132 111 (TTY 1800 212 936) School Headmaster

Additional Reporting Requirements

In addition to this, the principal will also notify the Office of Child Protection of the International Society for Krishna Consciousness (ISKCON). This notification is not meant to replace any other form of investigation carried out by Community Services or the NSW Police. Rather, it is because ISKCON has additional restrictions that are placed upon any of its members found guilty of child abuse. Such restrictions include never holding a position of responsibility or leadership within ISKCON, and not being permitted to reside on any ISKCON property overnight.

Policy Distribution Procedures

All the school staff will be informed at the first staff meeting every year of their obligations regarding NSW child protection legislation and how the School's operational policies and procedures are implemented in accordance with each Act so that the safe and supportive environment in the school is ensured at all times. The staff will be required to sign the registration form after completing the review of the above policies.

In addition, all the volunteers and external providers engaged by the School will be briefed about their responsibilities regarding NSW child protection legislation upon commencement of their services in the school and at the beginning of each new school year thereafter. The briefing registration form will also be signed by all the volunteers and external providers after completing the review of the above policies.

School's Commitment

The School is committed to a proactive approach to all aspects of creating a 'safe and supportive school environment' and, with respect to the child protection legislation, will:

1. develop procedures and support materials in accordance with the child protection legislation to facilitate the implementation of all child protection responsibilities in the school community
2. provide information and training in best practices to members of the school community relevant to their respective roles and responsibilities in creating safe and supportive school environments
3. support and monitor relevant curriculum implementation
4. provide information and training in the associated areas of confidentiality, privacy, and freedom of information to relevant employees
5. provide ongoing reports as to implementation of policies and procedures relevant to child protection Board of Governors of the School.

Policy Responsibility

The School employee who has been given responsibility for the implementation of the policy is the Headmaster.

Related Policies and Support Documents

This policy is intended to be consistent with the NSW child protection legislation and guidelines and other relevant legislation. This child protection policy also is intended to complement the principles and management strategies included in all other School policies, especially the Behaviour Management Policy and Student Welfare policy.

APPENDIX 1 – Child Protection Legislation in NSW

APPENDIX 2 – Reportable Conduct

Policy Review

The 'creating safe and supportive school environments: child protection' policy is to be reviewed within twelve months of the date of its adoption. A policy review is to be considered following any changes to the NSW Child Protection legislation or associated guidelines occurring within twelve months of the date of adoption.