

Child Protection Policy

Introduction

Children need to know and believe that they have the right to be safe and feel safe at all times. This policy has been developed to promote and enhance the safety and welfare of children. The New England Conservatorium of Music (NECOM) regards the interests of children as paramount and acknowledges that it is the adults in our society who have the responsibility for protecting children. The policy highlights the need for understanding the complexity of child abuse and emphasises that staff must take action when child abuse is suspected. It also acknowledges that training and support in child protection is essential.

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.

In addition, as mandated notifiers, (mandatory reporting is governed by the NSW Children and Young Persons (Care and Protection) Act 1998 and is quite separate to the CCYP Act – people who aren't mandatory reporters still have to comply with CCYP Act) education and care workers must act on their legal obligations under the Commission for Children and Young People Act 1998.

This policy documents best practice in:

- establishing and maintaining a safe and secure environment;
- procedures for recruitment of staff; processes which ensure that the conduct of all staff is professional and beyond reproach;
- and the requirements of and processes for reporting possible breaches of the relevant legislation.

Relevant Legislation

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

Ombudsman Act 1974

Commission for Children and Young People Act 1998

Child Protection (Prohibited Employment Act) 1998

Children and Young Persons (Care and Protection) Act 1998

Children Legislation Amendment (Wood Enquiry Recommendations) Act 2009

Commission for Children and Young People Amendment Act 2005 (note repeal of Section 5 (1) with effect from January 2, 2007).

Crimes Act 1900

Privacy Act 1988

Freedom of Information Act 1982

Administrative Instructions and Guidelines of Department of Education, Training and Employment

Children's Services Handbook

*Department of Community Services, NSW Guidelines for Child Protection Intervention
NSW Interagency Guidelines for Child Protection Intervention 2000 edition revised 2005
NSW Attorney General's Department Lawlink website to law and justice agencies
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

Definitions

Throughout this document:

- 'abuse' refers to all aspects of abuse, ie neglect, physical, emotional and sexual
- 'children' or 'child' refers to persons under 16 years of age
- 'young persons' refer to those 16 years and under 18 years of age
- 'parent' refers to parent, guardian and caregiver

1. Staff Recruitment

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:

1.1 Working With Children Check

The preferred applicant will be required to apply for his or her own Working With Children Check prior to commencement of employment. This is done via an online form at www.newcheck.kids.nsw.gov.au. Once the preferred applicant has submitted the form, they will receive an application number. Applicants take their application number and proof of their identity to a NSW motor registry or NSW Council Agency. Proof of identity for the Working With Children Check is the same as for a NSW driver's licence. 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.

1.2 Verification of the Preferred Applicant

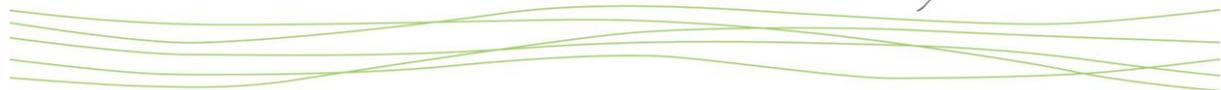
NECOM will verify the preferred applicant's Working With Children Check status on-line. If the check is successful, then the preferred applicant will be offered a contract of employment.

2. Staff Induction and Training

2.1 Induction

Prior to commencing employment at NECOM, staff will be provided with a copy of the Child Protection 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.

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All staff will be required to complete training in Child Protection which will be provided at NECOM's expense.

2.2 Training

NECOM will continue to ensure that all staff are aware of their responsibilities in relation to child protection by:

- Providing regular training and information sessions on child protection issues.
- Providing staff with relevant information and updates from child protection agencies.
- Encouraging staff to visit the following websites for additional information if required:

NSW Department of Community Services www.community.nsw.gov.au

NSW Ombudsman www.ombo.nsw.gov.au

NSW Commission for Children & Young People www.kids.nsw.gov.au

3. Physical Environment – Establishing and Maintaining a Safe Environment

3.1 Risk Assessment – On Site

All buildings will have spaces which may, from time to time, present as a risk to the safety and well-being of both staff and students. To ensure that these risks are, as far as possible, significantly reduced or eliminated, NECOM will, on an annual basis and more frequently if deemed necessary, conduct a risk assessment of all teaching spaces.

Matters to be considered will include:

- Adequacy of lighting
- Suitability of signage including toilet facilities
- Degree of isolation of studio spaces and teaching spaces
- Condition/repair of studio viewing panels etc.

3.2 Risk Assessment – Off Site

NECOM provides to local schools specialist teaching staff to support the music programs offered within those schools. NECOM and each of those schools will together ensure that all teaching studios and associated facilities within those schools comply with the requirements of the Child Protection Policy of the NSW Department of Education and Training and that of the Conservatorium.

In exceptional cases, Conservatorium staff may be granted permission to conduct teaching in their own private studios. Permission will only be granted if the following conditions are met:

- The studio is well-equipped for the purposes of teaching music;
- that another adult (eg. Parent/guardian) is present at all times.

4. Teaching Environment – Establishing and Maintaining a Safe Environment

4.1 Risk Assessment – Programs

To ensure that the risk to children and young people are, as far as possible, significantly reduced or eliminated, NECOM will, on an annual basis and more frequently if deemed necessary, conduct a risk assessment of all teaching programs.

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Matters to be considered will include:

- Drop off and pick up arrangements
- Children needing the toilet facilities during classes, rehearsals etc.
- Response to bullying and other forms of abuse from peers
- Including parents/guardians in matters relating to the tuition of their students

4.2 Community Evaluation

It is essential for the ongoing relevance of this policy to ensure that regular evaluation occurs across the NECOM community with regards to the Child Protection Policy, Code of Conduct (Adults), Code of Conduct (Children and Young People) and risk evaluations of NECOM programs and the physical environment.

NECOM aims to encourage partnerships between staff, volunteers, parents, students and other members of our community which promote safe environments for children attending NECOM activities.

This will be done by:

- Informing and consulting with parents and families and encouraging their participation in child protection issues
- Regular evaluation of relevant policies and risk assessments in staff meetings, risk management meetings and Board meetings.

5. Complaints: Responsibilities and Procedures

The New England Conservatorium will comply with the NSW Reporting Obligations by reporting suspected abuse of a child or young person who is enrolled at the Conservatorium.

5.1 NSW Reporting Obligations

Any person who has reasonable grounds to believe that a child or young person is at risk of harm *may* report to the Department of Community Services (DoCS). Parents/guardians should report suspected abuse to the Director or any other member of the Board of Management in the first instance. They may also phone DoCS directly on 132 111.

Some people *must* report if they have reasonable grounds to suspect a child is at risk of harm. These are legally 'mandatory reporters' and *must* report the risk of harm to children and young people to DoCS. As educators (ie. teachers in paid employment), NECOM staff are mandatory reporters.

Staff are required to report suspected abuse to the Director or any other member of the Board of Management in the first instance. As mandatory reporters, they may also phone the DoCS Helpline on 13 3627 (13 DOCS).

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5.2 Procedure for reporting allegations made against NECOM staff to NECOM

NECOM will treat all allegations in strict confidentiality and protect the professional reputation of teachers at all times. NECOM will operate all child protection matters on an allegation basis.

NECOM will report immediately to DOCS in accordance with the NSW Ombudsman's Act 1974 and Child Protection Amendment Act 2003.

In accordance with legislation, NECOM will report any allegation of child abuse without initial reference to the personnel to DOCS and the Ombudsman's Office. Under legislation, NECOM will not investigate the matter further until formal investigations by relevant external organizations are complete.

NECOM will treat all allegations in the strictest of confidence under the Privacy Act 1988 and the Freedom of Information Act 1982.

NECOM reserves the right to terminate any personnel contract immediately upon advice from the Ombudsman, Police or other authority where criminal charges are made against any NECOM personnel or where extreme risk to children and young people or NECOM is probable.