



New Madinah College

Child Protection Policy

Safe and Supportive Environment – Student Welfare
Audit-ready policy for an independent school in New South Wales

Approved by	School Board
Responsible officer	Principal
Child Protection Officer / Head of Entity	Principal
Review cycle	Annual and as required by legislative or operational change
Version	Final master version

Related policies and documents

- Code of Conduct
- Work Health and Safety Policy Grievance Policy and Procedures
- Anti-Bullying Policy
- Teacher Employment and induction documentation
- Excursions and Incursions Policy
- Child Protection Procedures
- Complaints Handling Policy and Procedures
- Information and Communication Technology and acceptable use requirements

1. Introduction

1.1 Purpose and scope

This policy sets out staff responsibilities for child protection and the processes that staff must follow in relation to child protection matters at New Madinah College. This policy applies to all staff members, including employees, contractors and volunteers.

Staff members who fail to adhere to this policy may be in breach of their terms of employment, engagement or volunteer expectations. The policy is intended to operate alongside the College's



New Madinah College

Child Protection Policy

related policies, procedures and codes, and should be read as part of the College's broader child safe framework.

For the purpose of this policy, the Principal is also the Child Protection Officer and the Head of Entity.

1.2 Key legislation

There are five key legislative and regulatory frameworks relevant to child protection in New South Wales:

- the Children and Young Persons (Care and Protection) Act 1998 (NSW)
- the Child Protection (Working with Children) Act 2012 (NSW)
- the Children's Guardian Act 2019 (NSW)
- Part 3A of the Children's Guardian Act 2019 (NSW), which establishes the Child Safe Scheme
- the Crimes Act 1900 (NSW).

These laws establish obligations relating to mandatory reporting, reportable conduct, Working With Children Checks, professional conduct and criminal offences relevant to child protection.

1.3 Child Safe Scheme and Child Safe Standards

The Child Safe Scheme gives the Office of the Children's Guardian additional powers to monitor and investigate how organisations implement the Child Safe Standards to support the safety and wellbeing of children and young people. As an independent school in New South Wales, New Madinah College is committed to implementing the Child Safe Standards through governance, policy, staff conduct, student voice, complaint handling, training, risk management and continuous review.

The Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.



New Madinah College

Child Protection Policy

9. Implementation of the Child Safe Standards is continuously reviewed and improved.

10. Policies and procedures document how the organisation is child safe.

1.4 Compliance and records

The Principal or nominated delegate monitors compliance with this policy and securely maintains College records relevant to this policy, including:

- a register of staff members who have read and acknowledged that they have read and understood this policy
- Working With Children Check clearance verifications
- mandatory reports to the Department of Communities and Justice
- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and any relevant criminal convictions or findings
- annual training attendance records, induction acknowledgements and make-up training logs.

If an allegation involves the Principal, the matter must be reported to the Chairperson of the School Board or other authorised Board nominee.

1.5 Working With Children Check register – staff

The Working With Children Check clearance verifications for teaching and non-teaching staff are to be maintained and updated on the College register by the Administration Office and/or the Principal. The register is to be reviewed regularly and updated whenever a clearance is verified, renewed, expired, cancelled, subject to an interim bar or otherwise changed.

It is the responsibility of each staff member to ensure that their Working With Children Check remains current. It is the responsibility of the College to verify and record that status before and during employment.

1.6 Working With Children Check register – parents, helpers and third-party contractors

Where parents, volunteers, helpers or third-party contractors are required to hold a Working With Children Check clearance, those verifications are to be maintained and updated on the College register by the Administration Office and/or the Principal. This applies in particular to persons participating in excursions, incursions, camps, overnight activities or other roles involving child-related work or high-risk child-related contact.



New Madinah College

Child Protection Policy

All such persons must also comply with the College's Code of Conduct, visitor expectations and any direction given by the Principal or delegate.

2. Child protection

2.1 General responsibility

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- a duty of care to ensure that reasonable steps are taken to prevent harm to students that could reasonably have been foreseen
- obligations arising under child protection legislation
- obligations to act consistently with professional boundaries, child safe expectations and lawful reporting requirements.

2.2 Child protection concerns

There are different forms of child abuse. These include neglect, sexual abuse, physical abuse and emotional abuse.

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed, coerced or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes, but is not limited to, injuries caused by excessive discipline, severe beatings or shaking, cigarette burns, attempted strangulation and female genital mutilation. Injuries may include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Emotional abuse can result in serious psychological harm where the behaviour of a parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma. This can include excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour. While one-off incidents can cause harm, the



New Madinah College

Child Protection Policy

frequency, persistence and duration of the behaviour are often significant in determining the impact on the child.

2.3 Child wellbeing concerns

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold of risk of significant harm. Even where the threshold is not met, these concerns must still be raised internally so that the College can consider support, monitoring, referral or other appropriate action.

2.4 Staff member responsibilities

Key legislation requires reporting of particular child protection concerns. However, as part of the College's overall commitment to child protection, all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal or delegate.

If the allegation involves the Principal, the report must be made to the Chairperson of the School Board or authorised Board nominee.

3. Training

3.1 The College

The College provides all staff members with a copy of this policy and will provide all staff members with the opportunity to participate in child protection training annually. In addition to annual training, reminders may be provided through staff meetings, stage or grade meetings, briefings or other internal professional learning opportunities.

Where a staff member misses a scheduled child protection session, a follow-up meeting or make-up session is to be arranged as soon as reasonably possible.

3.2 Induction of new staff

Induction meetings are to be held either prior to a staff member commencing employment at New Madinah College or within the first few weeks of employment. During induction, the Principal or delegate is to explain the mandatory reporting process, reportable conduct obligations, Working With Children Check requirements and the importance of professional boundaries.



New Madinah College

Child Protection Policy

All new staff members are to be provided with a copy of the Child Protection Policy and any associated procedures and must sign an acknowledgement confirming that they have read and understood the policy. Where the College uses an induction checklist, this must also record that child protection obligations have been explained.

3.3 Annual training

Annual child protection training is generally conducted in the first few weeks of the year during staff professional development days or another designated period. Annual training may include internally delivered training, sector-based resources, external professional learning, Association of Independent Schools New South Wales materials or other approved training tools.

All staff members must participate in annual child protection training and any additional training directed by the Principal or delegate. The training is to cover, as appropriate:

- mandatory reporting
- reportable conduct
- Working with Children Check requirements
- professional boundaries
- responding to disclosures
- child safe complaint handling
- online safety and communication expectations.

3.4 Training records and make-up sessions

Staff are to sign an attendance sheet or other acknowledgement confirming that they have received training and have read and understood the policy. The Principal or delegate is to maintain a child protection training log recording annual training, induction sessions, reminders and any make-up sessions completed by staff who were absent or newly appointed.

This log, together with attendance sheets and acknowledgements, forms part of the College's compliance records.

3.5 Communicating with students

Unless specific approval has been granted by the Principal or authorised delegate, staff members must not:



New Madinah College

Child Protection Policy

- exchange personal contact details with students or families, including personal mobile numbers, home addresses, personal email addresses or personal social media accounts
- correspond with students on a personal basis
- call, record or video students on personal applications or devices
- send students private text messages or private chat messages using non-approved platforms
- upload, publish or share personal content such as photographs, audio recordings or videos with students through personal social media or sharing sites
- create private chat groups with students using non-approved platforms
- invite students to join personal social networking sites or accept invitations from students to join those sites
- geo-tag students on social networking sites
- accept invitations from students to join online multiplayer gaming platforms.

All staff-to-student communication must occur only through College-approved platforms and only for legitimate educational, wellbeing or operational purposes. Communication outside normal school hours or during school holidays should occur only where necessary, only for legitimate school purposes and only with approval where required. Professional and role boundaries must be maintained at all times.

4. Working With Children

4.1 General requirements

The Child Protection (Working with Children) Act 2012 (NSW) protects children by requiring a worker to have a Working With Children Check clearance or current application where permitted in order to engage in child-related work. Failure to do so may result in a fine or imprisonment.

The Office of the Children's Guardian is responsible for determining applications for a Working With Children Check clearance. The process involves a national criminal history check and review of reported workplace misconduct findings. The outcome is generally either to grant a clearance or to refuse a clearance. Clearance holders are subject to ongoing monitoring.

4.2 Responsibilities of staff members

Staff members who engage in child-related work, and eligible volunteers including those volunteering at overnight camps, are required to:



New Madinah College

Child Protection Policy

- hold and maintain a valid Working With Children Check clearance
- not engage in child-related work if they are subject to an interim bar or bar
- report to the Principal or delegate if they are no longer eligible for a clearance, the status of their clearance changes, or they are notified by the Office of the Children's Guardian that they are subject to a risk assessment
- notify the Office of the Children's Guardian of any relevant change to personal details within the required time.

It is an offence for an employee to engage in child-related work without the necessary clearance or while subject to a bar.

4.3 Responsibilities of the College

The College is required to:

- verify online and record the status of each child-related worker's Working With Children Check clearance
- employ or engage only child-related workers or eligible volunteers who have a valid clearance or are otherwise lawfully authorised
- advise the Office of the Children's Guardian of findings made after completing a reportable conduct investigation where such reporting is required
- maintain a clear and current Working With Children Check register updated by the Administration Office and/or the Principal.

4.4 Child-related work

Child-related work involves direct contact by a worker with a child or children where that contact is a usual part of, and more than incidental to, the work. It includes, but is not limited to, work in schools and other educational institutions, private coaching or tuition of children, religious services, transport services for children, overnight camps, residential settings, counselling and mentoring.

Any queries about whether a role or duty constitutes child-related work must be directed to the Principal.

4.5 Application, renewal, refusal and interim bar



New Madinah College

Child Protection Policy

Applications and renewals are generally made through Service New South Wales. If the Office of the Children's Guardian grants or renews a clearance, the holder will receive a clearance number which must be provided to the College for verification.

The Office of the Children's Guardian may refuse or cancel a clearance. It may also impose an interim bar while a risk assessment is undertaken. A disqualified person cannot be granted a clearance and cannot lawfully engage in child-related work.

4.6 Ongoing monitoring and reporting to the Office of the Children's Guardian

The Office of the Children's Guardian continues to monitor criminal records and professional conduct findings of clearance holders through a risk assessment process. As an independent school, New Madinah College is a reporting body and may be required to advise the Office of the Children's Guardian of certain findings, additional information or updated information relevant to child safety and Working With Children Check risk assessment functions.

5. Mandatory reporting

5.1 Who is a mandatory reporter

The Children and Young Persons (Care and Protection) Act 1998 (NSW) provides for mandatory reporting of children at risk of significant harm. A child is a person under the age of 16 years and a young person is a person aged 16 or 17 years for the purposes of that Act.

Mandatory reporting applies to persons who, in the course of their employment, deliver services including health care, welfare, education, children's services or residential services to children, or who hold a management position with direct responsibility for, or direct supervision of, the provision of such services. All teachers are mandatory reporters. Other staff members may also be mandatory reporters depending on their role.

5.2 Reports to the Department of Communities and Justice

A mandatory reporter must, where they have reasonable grounds to suspect that a child is at risk of significant harm, report to the Department of Communities and Justice as soon as practicable. The report must include the name or description of the child and the grounds for suspecting that the child is at risk of significant harm.



New Madinah College

Child Protection Policy

In addition, the College may choose to make a report in relation to a young person aged 16 or 17 years where there are reasonable grounds to suspect risk of significant harm and current concerns about that young person's safety, welfare or wellbeing.

In the independent school sector, a mandatory reporter may meet their obligation by reporting the matter to the Principal or delegate within the College so that centralised reporting can occur. This assists the College to identify cumulative harm and ensure that relevant information is brought together.

5.3 Reasonable grounds

Reasonable grounds refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm based on:

- first-hand observations of the child, young person or family
- what the child, young person, parent or another person has disclosed
- what can reasonably be inferred based on professional training and or experience.

Reasonable grounds does not require proof or confirmation before a report is made.

5.4 Significant harm

A child or young person is at risk of significant harm if current concerns exist for their safety, welfare or wellbeing because, to a significant extent, one or more of the following circumstances are present:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or caregivers have not arranged and are unable or unwilling to arrange necessary medical care
- the parents or caregivers have not arranged and are unable or unwilling to arrange education in accordance with the Education Act 1990 where required
- the child has been, or is at risk of being, physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm
- a parent or caregiver has behaved in such a way that the child has suffered, or is at risk of suffering, serious psychological harm
- any other circumstance meeting the statutory threshold under the legislation.



New Madinah College

Child Protection Policy

Significant harm is not minor or trivial. It may result from a single act or omission or from the accumulation of multiple acts or omissions over time.

5.5 Process for mandatory reporting

Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Principal or delegate as soon as possible to discuss whether the matter meets the threshold and the steps required to report the matter.

If there is immediate danger or suspected criminal activity and the Principal or next most senior member of staff is not contactable, staff members should contact the Police and or the Child Protection Helpline directly and then advise the Principal or next most senior member of staff as soon as possible.

Staff members are not required to, and must not, undertake their own investigation. Staff members must not inform parents or caregivers that a report to the Department of Communities and Justice has been made unless expressly authorised to do so as part of the College's response.

All such matters must be dealt with confidentially and disclosed only to those who need to know in order to comply with legal obligations or protect a child.

5.6 Process for reporting concerns about students generally

To ensure centralised reporting, all staff members are required to report any concern regarding the safety, welfare or wellbeing of a student to the Principal or delegate, even if they are unsure whether the concern meets the threshold of risk of significant harm.

All such concerns are to be treated seriously, recorded appropriately and disclosed only to the Principal, delegate or another person authorised by the Principal.

6. Reportable conduct

6.1 General obligations

Section 29 of the Children's Guardian Act 2019 (NSW) requires Heads of Entities, including non-government schools in New South Wales, to notify the Office of the Children's Guardian of reportable allegations and reportable convictions involving an employee, and of the outcome of the College's investigation.



New Madinah College

Child Protection Policy

Reportable conduct involves a child under 18 years of age at the time of the alleged incident and certain defined conduct under the Act.

6.2 What is reportable conduct

Under the Children's Guardian Act 2019 (NSW), reportable conduct includes:

- a sexual offence
- sexual misconduct
- an assault against a child
- ill-treatment of a child
- neglect of a child
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900 (NSW)
- behaviour that causes significant emotional or psychological harm to a child.

Reportable conduct does not extend to 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 child and to relevant codes of conduct or professional standards. It also does not extend to trivial or negligible physical force where the circumstances have been investigated and recorded appropriately.

6.3 Definitions relating to reportable conduct

For the purposes of reportable conduct:

- sexual offence includes an offence of a sexual nature committed against, with or in the presence of a child, including sexual touching, grooming and child abuse material offences
- sexual misconduct includes sexualised conduct with, towards or in the presence of a child that is not necessarily a criminal sexual offence
- assault includes actual physical force without lawful justification or conduct causing a child to apprehend immediate unlawful physical force
- ill-treatment includes conduct that is unreasonable and seriously inappropriate, improper, inhumane or cruel
- neglect includes a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child where harm is caused or is likely



New Madinah College

Child Protection Policy

- behaviour causing significant emotional or psychological harm includes obviously unreasonable conduct that results in more than transient harm to a child.

A reportable allegation is an allegation that an employee has engaged in reportable conduct. A reportable conviction is a conviction, including a finding of guilt without proceeding to conviction, for an offence involving reportable conduct. The Employee Subject of the Allegation is referred to as the ESOA.

6.4 Process for reporting allegations or convictions

Any concern about an employee engaging in conduct that may be inappropriate, reportable or criminal must be reported to the Principal or delegate immediately. This includes concerns about another employee, concerns raised about oneself, or information that an employee has been charged with or convicted of an offence involving reportable conduct.

If the allegation involves the Principal, the matter must be reported to the Chairperson of the School Board or authorised Board nominee.

Parents, carers and community members are also encouraged to report concerns regarding conduct that appears inappropriate, reportable or criminal.

6.5 Obligations of the Principal as Head of Entity

The Principal, as Head of Entity, must ensure that systems are in place for preventing, detecting and responding to reportable allegations and convictions. The Principal must submit the required seven-day notification to the Office of the Children's Guardian within seven business days of becoming aware of a reportable allegation or conviction unless a lawful excuse applies.

The notification is to include the information required by law, including the identity of the employee, the type of reportable conduct, relevant contact details, whether the matter has been reported to Police or the Child Protection Helpline, and the nature of the initial risk assessment and risk management action.

6.6 Investigation of reportable conduct allegations

Once an allegation of reportable conduct is received, the Principal or delegate must:

- determine whether the matter is a reportable allegation
- assess whether the Department of Communities and Justice or Police need to be notified



New Madinah College

Child Protection Policy

- notify the child's parents, unless doing so would compromise the investigation or another investigation
- notify the Office of the Children's Guardian within the statutory timeframe
- carry out a risk assessment and take action to reduce or remove risk where appropriate
- investigate the allegation or appoint an investigator.

Investigations must be conducted in accordance with procedural fairness. The ESOA must be informed of the substance of allegations at the appropriate time, given a reasonable opportunity to respond, and treated fairly throughout the process. The College must avoid conflicts of interest, act without unjustifiable delay and provide appropriate support to children, witnesses and the ESOA.

6.7 Investigation outcomes and reporting

At the completion of the investigation, the Principal or delegate is to make findings in accordance with Office of the Children's Guardian guidance, determine any disciplinary action, and provide the required final or interim report to the Office of the Children's Guardian within the applicable timeframe.

If the final report cannot be completed within 30 days, an interim report must be provided as required by law, with reasons and an estimated timeframe for completion.

6.8 Risk management and confidentiality

The Principal or delegate is responsible for risk management throughout the investigation and must assess risks to the child or children concerned, other students, the ESOA, the College and the integrity of the investigation.

Actions taken may include adjustment of duties, increased supervision, no-contact directions, leave arrangements or suspension. Such actions are risk management measures only and do not indicate that the allegation has been proven.

All reportable conduct matters must be handled as confidentially as possible. Records must be securely stored and access restricted to authorised persons.

7. Criminal offences



New Madinah College

Child Protection Policy

7.1 Failure to protect

An adult working in a school may commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence, they have the power to reduce or remove the risk, and they negligently fail to do so.

7.2 Failure to report

Any adult may commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and they fail to report that information to Police without a reasonable excuse. A reasonable excuse may include having reported the matter to the Principal and being aware that the Principal has reported it to Police.

7.3 Special care relationships

It is a criminal offence in New South Wales for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship. This includes circumstances where the adult is a member of staff at the school attended by the young person or has a recognised relationship of special care in connection with religious, sporting, musical or other instruction.

8. Acceptance declaration

Staff acknowledgement

I hereby declare that I have read, understood and agree to comply with the terms of this Child Protection Policy.

First Name: _____

Last Name: _____

Signature: _____

Date: _____