



Child Safety Policy

September 2023

Statement of Commitment to Child Safety

EduVision is dedicated to creating an environment in which all children are safe.

We recognise and uphold both our legal and moral obligations that arise from working with children. This includes having zero tolerance of child abuse, whether in the form of neglect, physical abuse, sexual abuse or psychological abuse.

We appreciate the importance of establishing an organisational culture of child safety to protect the safety and wellbeing of our students while they are in our care. We are guided by the following principles:

- The best interests of children and young people, and their protection from harm are paramount.
- Ill-treatment or abuse of children and young people is not tolerated and must not happen.
- The rights of children and young people are understood and respected.
- Concerns about child safety raised by children and young people, and their parents and carers are acted on.
- The reporting of abuse is not obstructed or prevented.

EduVision staff receive training in child safety to ensure that they are aware of potential risks and can assist students in an appropriate manner.

Scope

This Policy applies to employees and contractors delivering services involving child-related work, either on behalf of or in conjunction with EduVision whether in a full-time, part-time, casual, temporary, voluntary or fixed-term capacity. This Policy applies to all teaching environments, whether physical or online, and includes any off-site environments that may be used (such as for excursions, competitions or award ceremonies). Sections of this policy may also apply to parents and general visitors.

Responsibilities

Child protection is everyone's responsibility. All staff members, including volunteers and contractors, have a shared responsibility for contributing to the safety and protection of students. They are required to comply with our Child Safe Policy and Code of Conduct, understand their legal obligations with respect to the reporting of child abuse and other harm, and raise all child safety incidents and concerns with the Child Safety Officer(s).

The Child Safety Officers in EduVision are listed below:

Ivy Liu, Principal

Phone: 0402 615 989

Email: ivy.liu@eduvision.com.au

Janelle Ho, Head of Education

Phone: 0404 018 987

Email: j.ho@eduvision.com.au

Whenever there are concerns that a child or young person is in immediate danger, the Police should be called on 000.

Related legislation and standards

There are seven key pieces of child protection-related legislation that are applicable:

- the Education Act 1990 (NSW);
- the Children and Young Persons (Care and Protection) Act 1998 (NSW);
- the Child Protection (Working with Children) Act 2012 (NSW);
- the Child Protection (Working with Children) Regulation 2013 (NSW);
- the Children's Guardian Act 2019 (NSW);
- the Crimes Act 1900 (NSW); and
- the Civil Liability Act 2002 (NSW).

Relevant standards include:

- United Nations Convention of the Rights of the Child
- NSW Child Safe Standards.

The Reportable Conduct Scheme

The NSW Reportable Conduct Scheme monitors how organisations investigate and report on allegations of certain conduct towards children. It is governed by the Children's Guardian Act 2019 and administered by the Office of the Children's Guardian (OCG).

As a 'relevant entity' under the Children's Guardian Act 2019, EduVision is required to inform the OCG of any conduct that is deemed 'reportable'. Such conduct is defined in the table below.

Once an investigation of the conduct has commenced, EduVision is also required to inform the OCG of the outcome. A finding of reportable conduct is a sustained finding, which requires evidence supporting that the conduct occurred on the balance of probabilities and that it constitutes reportable conduct.

Definitions

Child and Young Person	<p>A child is defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) and for the purposes of our Child Safe Policy as a person who is under the age of 16 years.</p> <p>A young person is defined in the Care and Protection Act and for the purposes of our Child Safe Policy and related procedures as a person aged 16 or 17.</p> <p>In this Policy, any reference to a 'child' includes a young person.</p>
Conflict of interest	<p>Refers to situations where a conflict arises between a person's official duties and their private interests, which could influence the performance of those official duties. These can include pecuniary and non-pecuniary interests of the staff member and their family, relatives, business partners or friends, and relationships between individuals.</p>
Direct contact	<p>Any contact with a child, whether face-to-face or online.</p>

Ill-treatment of a child or young person	Any conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel. This conduct includes <ul style="list-style-type: none"> - making excessive or degrading demands - a pattern of hostile or degrading comments or behaviour - using inappropriate forms of behaviour management.
Incident of concern	Any incident that raises the possibility that a child may have been or is currently being harmed or ill-treated. This includes reportable conduct but is not restricted to it, and includes physical, emotional, psychological and sexual harm. Such an incident may be witnessed or suspected (for example, a comment made by a student in class or a scenario presented in a piece of student writing).
Reportable conduct	Any of the following conduct: <ul style="list-style-type: none"> - a sexual offence, including grooming and the possession and dissemination of child abuse material; - sexual misconduct, which is defined as any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence); - ill-treatment of a child, as defined above; - neglect of a child, which is defined as a significant failure by a responsible adult to provide a child with adequate and proper food, supervision and other care, that causes or is likely to cause harm to the child; - an assault against a child, which occurs when a person intentionally or recklessly applies physical force against a child without lawful justification or excuse or threatens the use of such force whether through words and/or gestures and regardless of whether the person actually intends to apply any force; - failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse, - behaviour that causes significant emotional or psychological harm to a child. <p>Examples of indicators of significant emotional or psychological harm include</p> <ul style="list-style-type: none"> - displaying behaviour patterns that are out of character, - regressive behaviour, - anxiety or self-harm.
Staff or staff member	Includes all employees, contractors and volunteers who are working under the auspices of EduVision for a specified job.
Student	A student refers to any student enrolled at EduVision, including those aged 18 and above. Our policies and procedures apply to all students. For students aged 18 and above, external reporting will only occur if the relevant student consents to the report.

Code of Conduct

EduVision has created a Code of Conduct that transmits through all our business practices. All staff are expected to adhere to these standards.

The Code of Conduct contains the following principles:

- Empowering children
- Ensuring the safety and wellbeing of children.

EduVision requires all staff to:

- Adhere to this policy
- Create a safe environment for the child. Examples of this include but are not limited to keeping doors unlocked and installing video surveillance for protection
- Encourage child participation in decisions that affect their learning and wellbeing

- Respect the views and opinions of others and adopt zero tolerance for discrimination
- Promote cultural safety, participation and empowerment of our First Nations People and those from culturally or linguistically diverse backgrounds
- Promote safety, participation and empowerment for those with disabilities
- Respond to all concerns raised by children, particularly where there is suspected abuse or concern for the child's safety
- Report any signs of child abuse or suspected child abuse to EduVision's Child Safety Officer
- Ensure, as far as is practicable, that they are not alone with a child.

EduVision staff must not:

- Put children at risk of abuse
- Ignore, disregard or disparage any suspected or disclosed child abuse
- Establish special relationships with students in which there may be any favouritism or 'grooming' (e.g. offering or accepting gifts unless authorised by EduVision and valued under \$50)
- Discriminate against a child on any grounds, including but not limited to culture, race, religion or disability
- Use language that is likely to offend or is offensive, in the presence of a child
- Contact a child outside of the classroom on personal social media without seeking consent from EduVision Management and the child's parent or guardian
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- Discuss content of an intimate or personal nature or use sexual insinuation with students, except where it occurs relevantly and with parental guidance in the context of delivering an educational curriculum.

Recruitment Process

EduVision seeks to recruit suitable and qualified candidates who also meet Child Safety requirements. The recruitment process involves:

- Validating that the applicant has a valid Working with Children's Check
- Completing a reference check.

Training and Supervision (New & Existing Staff)

Induction Program

New EduVision staff will be required to undergo an induction program that includes training on child safety. In addition, staff will also be given an Employee Handbook.

The induction program will include, but is not limited to, the following:

- Identifying the need for child safe policies and procedures
- Establishing and maintaining a child safe culture and a child safe organisation
- Managing disclosures made by children
- Understanding the Code of Conduct and the consequences of a breach.

Ongoing Training

EduVision's management team will ensure the Child Safety Policy and related documents, and all training materials reflect current legislative and regulatory requirements and that all EduVision staff will undergo further training if need be.

Strategies to promote the participation & empowerment of children

EduVision empowers our students by ensuring methods of open communication are available to make suggestions and provide feedback, as well as to report signs of abuse or any non-adherence to EduVision's Child Safety Policy. This is achieved through:

- Enabling anonymous reporting in all our centres
- Providing information about the communication channels available for reporting any non-adherence by staff or members of the public
- Encouraging open and honest communication between children and staff.

Risk Management Plan

To identify and reduce the risks to children, EduVision will ensure all staff are aware of the risks set out in our Code of Conduct.

The risks we have identified include but are not limited to:

- Lack of supervision
- Harm or abuse from students, staff and visitors
- Discrimination against students, staff or visitors
- Unacceptable interpersonal relationships
- Discussion of inappropriate or sensitive topics
- Unacceptable communication via text or social media
- Gift giving, or special treatment or favouritism of certain students
- Recording of lessons without consent
- Medical emergencies.

At EduVision, we strive to be proactive rather than reactive. This includes setting clear rules and preventative boundaries to reduce risks to child safety.

Examples of preventative methods we use include:

- Providing a safe space for children while they wait for their parents/guardians
- Requiring doors to be unlocked at all times
- Installing CCTV at the entrance of our centres
- Regularly reviewing our processes and practices in light of current events such as new legislation and/or policies
- Requiring staff to abide by EduVision's Code of Conduct which ensures professional boundaries aren't breached. This includes, but is not limited to the following:
 - Gift giving: EduVision staff are not permitted to give special gifts to students unless authorised by EduVision and valued under \$50)
 - Physical interactions: EduVision staff are not permitted to physically touch/interact with students.
 - Social media: EduVision staff are not permitted to communicate with students on social media.
 - Text messaging and email: Tutors may choose to give personal numbers/email addresses to parents only.

Processes for responding to & reporting suspected child abuse

EduVision takes all allegations of child safety breaches seriously and has practices in place to investigate such allegations thoroughly and quickly. If we have a reasonable belief that an incident has occurred and it is reportable conduct, then we will report the incident to the NSW Office of Children's Guardian. Reportable conduct is defined above.

Mandatory Reporting Requirements:

Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act (NSW) 1998 require mandatory reporters – in EduVision's case, the Child Safety Officers – to report suspected cases of child abuse and neglect to the NSW Department of Family and Community Services.

EduVision's Child Safety Officers are:

- Ivy Liu, Principal

- Janelle Ho, Head of Education.

According to section 43B of the Crimes Act NSW 1900 (NSW), any adult will commit an offence if they know another adult there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so. All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused.

Breaches of Policy, Procedures or Code of Conduct

Certain circumstances that constitute a breach of policy, procedure and/or code of conduct, depending on the type and severity of the breach, may lead to disciplinary procedures.

Breaches by a staff member

In instances where breaches are considered **minor** by EduVision Management, a three-strike warning system will be used. Both the first and second warnings will be accompanied by training and/or additional supervision to prevent further breaches, but the third breach can lead to employee termination.

Minor allegations include but are not limited to:

- Making a one-off inappropriate comment about a student's appearance or academic performance
- Use of foul language on the premises or in an online class
- Perceived favouritism towards one child
- Rude behaviour towards students, colleagues, parents or other members of the public
- Cancelling lessons, or being late or unprepared for lessons without an adequate reason.

Where a staff member's action is found to be reportable conduct, EduVision is required to notify the Office of the Children's Guardian, investigate the conduct and advise them of the outcome and action taken.

In addition to the steps taken for investigating any incident of concern, EduVision is required to ensure that conflicts of interest are managed and that the staff member is entitled to procedural fairness. The principles of procedural fairness include:

- a hearing appropriate to the circumstances (e.g. a reasonable opportunity for the employee to respond to the allegations and present their case);
- a lack of bias in decision-making;
- evidence to support a decision;
- inquiry into matters in dispute;
- giving a person notice that a decision may affect their interests; and
- disclosure of critical issues to be addressed and information that is credible, relevant and significant to the issues.

In order to manage conflicts of interests or provide procedural fairness, an independent investigator may be appointed.

The Office of the Children's Guardian has resources to support staff members who have had an allegation made against them: <https://ocg.nsw.gov.au/employees-and-volunteers/reportable-allegation-against-employee/process-and-support>.

Effect on Working with Children Check (WWC)

Under the Reportable Conduct Scheme, EduVision must notify the Office of the Children's Guardian when they become aware of any allegations of reportable conduct made against relevant employees,

volunteers or contractors (where a Working With Children Check is required). A workplace investigation must be completed.

Workplace investigations that result in findings of reportable misconduct are notified to the Working with Children and form part of the standard checks for all WWCC applications.

EduVision must inform their employee if they are the subject of a misconduct finding. We will also tell the employee that they have a statutory obligation to report the misconduct to the Office of the Children's Guardian.

Breaches by a parent or visitor

It is EduVision's discretion to determine a course of action following a single incident. This may involve limiting the parent's or visitor's access to the centre, and/or mediation with the affected student/adult. If the parent or visitor continues to engage in unacceptable behaviour, their child/children may be disenrolled from EduVision.

Examples of unacceptable conduct include but are not limited to:

- Behaviour in the presence of students, staff, parents or other visitors that causes alarm or concern to the students, staff, parents or other visitors
- Use of offensive language, including discriminatory language, in the presence of students, staff or other visitors
- Being alone with a child, other than your own child, in a closed room, including toilets and classrooms
- Interrupting the learning environment by entering a classroom without permission
- Approaching another student or parent regarding any incidents or issues
- Discussing confidential information about a student, parent or staff member with others.

If a staff member observes such behaviour by a parent or visitor, they are encouraged to report it to a member of EduVision's Management team or a Child Safety Officer.

The relevant authorities will also be contacted for any reportable conduct (see above).

Breaches by a student

Students found breaching this policy will be subject to disciplinary action, depending on the type and severity of the breach.

For students, examples of unacceptable behaviour include but are not limited to:

- Interrupting their tutor or other children in the classroom
- Consistently being late or being unprepared for lessons
- Cheating in assessments
- Using foul or offensive language in the centre towards any adult or other student
- Bullying or intimidating another adult or student.

Consequences of a serious breach

For any **serious breach** of this policy by any adult or student, the following steps will be taken:

1. If the child is in **immediate danger**, we will call 000 for the appropriate emergency service.
2. EduVision will examine the details to determine the level of risk involved, the severity of the breach and the reporting duties.

3. Where the breach concerns a reportable allegation, the Child Safety Officer will report to the Office of Children's Guardian (OCG) NSW using the 7-day reportable form. If a report is made, an update on the status of the investigation must be made to the OCG within 30 days.
4. Finally, the Child Safety Officer will notify the OCG once the investigation is finalised and supply them with all the relevant documentation.

Last reviewed: 25 August 2023

Next review date: 25 August 2024

Responsible officer: Child Safety Officer