



# TIWI COLLEGE



## Maintaining the Well-Being of Students Policy

### Rationale:

All children have the right to feel respected and be safe. At Tiwi College the well-being and welfare of the young Tiwi is paramount. The wellbeing of a child includes the child's physical, psychological and emotional wellbeing.

Our college adheres to NTDET Policy regarding Mandatory reporting guidelines. Teachers with reasonable grounds for suspecting that a student has, or will be exposed to injury through maltreatment have moral and legal responsibilities to report the situation following the appropriate procedure.

Under the Mandatory reporting guidelines this report must be completed by the person who was informed of the injury or maltreatment, not by a third party. Once a staff member has made this report they are obliged to inform the Principal.

### Aims:

- Our primary objective is to ensure that all students feel secure and safe when at Tiwi College
- Should there be any concerns regarding discrimination or suspicious injury an immediate and decisive response shall occur
- Due diligence to proper legal processes be followed (justice is owed to the person allegedly offended against and the alleged offender);
- Care, support and guidance be provided for any victims and their families

### Definitions:

( From NTDET Policy “Safeguarding the Wellbeing of Children” )

Under section 26(1) of the CPCA **every person in the NT** must make a report to either the NT Department of Families and Children, or Police, if they believe on reasonable grounds that:

- a) any child aged less than 18 years has suffered or is likely to suffer *harm* or *exploitation*
- b) any child less than 14 years has been or is likely to be a victim of a *sexual offence*
- c) any child aged less than 18 years has been or is likely to be a victim of a sexual offence under section 128 of the *Criminal Code Act* \* where the child is under the offender’s special care

*Sexual Offence means an indictable offence involving sexual intercourse or penetration; a sexual relationship; sexual abuse; indecent touching or indecent assault; any other indecent act directed against a person or committed in the presence of a child; making, collecting, exhibiting or displaying an indecent object or indecent material; sexual servitude or any other form of sexual exploitation or an attempt to commit, an act of procuring or any other act preparatory to the commission of the above (section 3 Sexual Offences (Evidence and Procedure) Act).*

**Note: CPCA = Care and Protection of Children Act 2007**



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**Harm** is defined in section 15 of the CPCA to mean:

- (1) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on:
  - (a) the physical, psychological or emotional wellbeing of the child; or
  - (b) the physical, psychological or emotional development of the child.
  
- (2) Without limiting subsection (1), harm can be caused by the following:
  - (a) physical, psychological or emotional abuse or neglect of the child;
  - (b) sexual abuse or other exploitation of the child;
  - (c) exposure of the child to physical violence.

**Exploitation** is defined in section 16 of the CPCA to mean:

- (1) Exploitation of a child includes sexual and any other forms of exploitation of the child.
- (2) Without limiting subsection (1), sexual exploitation of a child includes:
  - (a) sexual abuse of the child; and
  - (b) involving the child as a participant or spectator in any of the following:
    - (i) an act of a sexual nature;
    - (ii) prostitution;
    - (iii) a pornographic performance.

## **Implementation:**

- Staff who suspect child abuse will initially report to the NT Families and Children's Child Protection via their Hotline on 1800 700 250
- The staff member must then inform the Principal of the report.
- All details will be fully documented and retained by the person making the report & a copy given to the Principal
- Any future concerns about the same child need also be brought to the attention of the NT Families and Children and the Principal needs to be informed.
- Any support required for the victim and family will be supplied upon advice from relevant agencies and/or Tiwi Board members.
- Confidentiality will be maintained throughout the procedure

## **Legal Protection:**

- Section 27 of the CPCA provides that a person making a report and providing information in good faith under section 26 of the CPCA is not civilly or criminally liable. A person making a report is also not in breach of any professional code of conduct.
- However, this legal protection only applies to the making of a report and does not protect a person making a report if they also unnecessarily disclose information to another person, for example a colleague, for a reason other than a professional need to do so. The appropriate degree of confidentiality must therefore be maintained by employees at all times.



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## **Staffing Issues:**

- All Tiwi College staff, including ancillary are required by law to have a SAFENT Ochre Card prior to employment.
- It is the Principal's responsibility to provide a healthy and positive school environment that is free from child abuse and sexual abuse.
- The Principal must ensure that staff are aware of their rights and responsibilities.
- Staff will not be allowed to remain in a position which may impose risk to children if they are found to have offended.

## **Professional Misconduct:**

- Should a report of physical abuse or sexual abuse is made against a teacher, the same procedure must occur. The report must be given to the NTFC and the Principal informed.
- The Principal must then immediately inform the Deputy Chair of the TEB ( on-site ).
- The staff member will then be stood down pending an investigation.
- Investigations of child abuse are to be carried out by the NT Police or NTFC task force.
- The Principal shall comply with all requirements during an investigation.

The formal process will be guided by the NT Police or NTFC but should follow the following procedure: -

1. Investigating the complaint.
2. Written response from the accused after having the opportunity to read the complaint
3. Decision regarding the complaint
4. Preparation of a detailed confidential report.
5. Monitoring of the situation.
6. Commencement of "Due Process" if need be.

Parties dissatisfied with the process can appeal to the previously mentioned external agencies. All matters must be treated confidentiality, using professional respect and ethics at all times. The Tiwi Education Board will be kept informed of all complaints that result during "Due Process".



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## Principal's Responsibilities:

- Principals and other relevant managers must ensure that all personnel in their school or workplace are aware of the reporting requirements set out in section 26 of the CPCA.
- Principals must therefore ensure that all personnel in their school are provided with an in-service **prior to the commencement of their tenure.**
- Where a person is employed in a school as a **health practitioner or someone who performs work of a kind that is prescribed by regulation** then the Principal must also ensure that the person is aware of their reporting obligations under **both** section 26(1) and 26(2) of the CPCA.
- The Principal must also ensure that all staff who commence during a semester also receive the in-service within the first week of commencing duties at the school.
- All staff present at an in-service at the commencement of their tenure must sign and date a register to evidence that they were in attendance.
- The Principal must file the original of the register.