

Child Safety Policy - Higher Education

1. Scope

This Policy is applicable to students who are under the age of 18 years enrolled in Holmes Institute (Holmes) Higher Education courses and the staff and visitors to the extent that their activities include dealing with or having contact with these students. For the purpose of this Policy, these students are referred to as children.

2. Purpose

- 2.1 This Policy outlines Holmes' commitment to child safety, the acceptable behaviours towards children and the principles that support the prevention and management of child abuse risks.
- 2.2 The Policy is made to ensure that Holmes complies with the relevant legislations and regulatory requirements:
- Children, Youth and Families Act 2005 (VIC);
 - Children and Young Persons (Care and Protection) Act 1998 (NSW);
 - Child Protection Act 1999 (QLD);
 - Crimes Act 1958 (VIC);
 - Crime Act 1900 (NSW);
 - Criminal Code Act 1899 (Qld);
 - Equal Opportunity Act 2010 (VIC);
 - Victorian Child Safe Standards;
 - Child Protection (Working with Children) Act 2012 (NSW);
 - Privacy Act 1988 (Cth); and
 - Working with Children Act 2005 (VIC).

3. Definitions

- 3.1 **Activity** is any Holmes activity including educational, recreational or other programs which take place on the Holmes campuses, are organised or auspiced by Holmes at any site, or occur online.
- 3.2 **Child** is a person who is under the age of 18 years.
- 3.3 **Child abuse** means any act committed against a child involving:
- a. Physical violence (including threats of physical violence) – physical harm or injury, such as bruises, cuts, burns or fractures. It may be caused intentionally or accidentally, e.g. as the results of punishment or aggressive treatment;

- b. Sexual abuse – involvement of a child in a sexual activity, such as fondling, masturbation, penetration or exposure to child exploitation material or grooming behaviour;
- c. Serious emotional or psychological abuse – repeated rejection, isolation or threats to frighten a child, such as derogatory name calling, put downs, persistent and deliberate coldness where the child’s emotional development is at serious risk of being impaired; or
- d. Serious neglect – failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, which has or is likely to significantly impact on the child’s health or development.

3.4 **Child safety** refers to the measures to protect children from child abuse.

4. Policy Principles

- 4.1 Holmes does not accept students under the age of 16 years to its higher education programs.
- 4.2 Holmes does not accept international students under the age of 18 to its higher Education programs
- 4.3 Holmes is committed to fostering a culture of diversity, equity and inclusion where a welcoming environment is built to support safety, participation and wellbeing of all students, including all children:
 - a. With Aboriginal heritage and from linguistically and culturally diverse backgrounds;
 - b. Of all sexualities and gender identities; and/or
 - c. With disabilities.
- 4.4 Holmes does not tolerate child abuse in any form and will:
 - a. Take a proactive approach to the prevention of child abuse by identifying, removing and/or reducing risks early; and
 - b. Treat all allegations and safety concerns relating to child abuse very seriously.
- 4.5 Holmes will ensure:
 - a. All the staff members who have contact with children have a current Working with Children permit; and
 - b. Promote regular training for these staff on the risks of child abuse and harm and provide them access to up-to-date knowledge and skills in preventing and mitigating the risks.
- 4.6 All members of Holmes shall be responsible for promoting the safety, privacy and wellbeing of children by:
 - a. Treating children with respect;
 - b. Complying with all related legislations, regulations, policies and procedures;
 - c. Reporting any instances of suspected child abuse in accordance with the Critical Incident Policy and the Child Safe U18 Risk Management Strategy; and

- d. Conducting any child safety training which may be relevant to their duties or activities.
- 4.7 Holmes encourages all children who participate in its activities to express their views about matters that directly affect them or are of importance to them.
- 4.8 Holmes ensures that children are provided appropriate information as to their rights and support with regard to raising concerns, making complaints or letting someone know if they feel unsafe.
- 4.9 All Holmes' staff must abide by this Policy and the related policies when interacting with children.
- 4.10 Holmes recognises the importance of a risk management approach to prioritise actions which have the greatest potential for reducing child abuse or harm. Risk related to child safety will be included in Holmes' risk management framework and monitored by the Governing Council.

Child Safety Team

4.11 The Institute has formed a Child Safety Team. The team consists of:

- CEO
- U18 Welfare Director
- Campus Director
- U18 Welfare Officer

4.12 The U18 Welfare Director will undertake regular staff training and education in order that they understand their individual responsibilities in relation to child safety and the wellbeing of children and young people.

4.13 Whilst it is the responsibility of all staff and volunteers to respond to allegations and reports of child abuse, this team has an added level responsibility for overseeing the processes, practices and supports around reporting such incidents.

4.14 The U18 Welfare Director, Campus Directors and U18 Welfare Officers at Holmes recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- a. Creating an environment for children and young people to be safe and to feel safe
- b. Upholding high principles and standards for all staff, volunteers, and contractors
- c. Promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- d. Ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- e. Ensuring that personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- f. Providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- g. Ensuring the Institute meets the specific requirements of the State Governments legislation relevant to Child Safety.

Staff Responsibilities

4.15 Responsibilities of Institute staff (employees, volunteers and contractors) include:

- a. Treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- b. Following the legislative and internal Institute processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- c. Providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- d. Undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- e. Assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- f. The Child Safety Code of Conduct – Higher Education has been established as the guidelines that all students and staff should abide by.

4.16 Further to the expectations listed in the Code of Conduct, all staff must always maintain a professional relationship with students whether on campus or not. Teachers hold a unique position of influence and trust that should not be violated or compromised. Examples of a professional relationship being violated would include a teacher:

- a. Having a sexual relationship with a student.
- b. Using sexual innuendo or inappropriate language and/or material with students.
- c. Touches a student without a valid reason.
- d. Holds conversations of a personal nature or has contact with a student via written or electronic means including email, letters, telephone, text message or chat lines, without valid context.
- e. Accepts gifts, which could be reasonably perceived as being used to influence them, from students or their parents.

4.17 A professional relationship may be compromised if a teacher:

- a. Attends parties or socialises with students.
- b. Invites a student or students back to their home, particularly if no-one else is present.

Privacy

4.18 Holmes' Privacy Policy and Procedure is also applicable to children. In addition to that Policy, Holmes will ensure that:

- a. The privacy of children and their families is protected;
- b. Technology and social media are used appropriately in relation to children;

- c. Obtaining all necessary consent from parents or guardians where children's information needs to be collected;
 - d. Any use of technology and social media is not detrimental to the child safety; and
 - e. Children will be presented in a dignified and respectful manner.
- 4.19 Any staff member of Holmes who photographs or films children, or uses images of children, for study or work-related purposes must:
- a. Obtain informed consent from a parent or guardian of the child and, where appropriate, directly from the child; and
 - b. Ensure that the purpose and content of the photographs, film and video materials are appropriate.

Child abuse

- 4.20 Holmes' Student Charter and Student Conduct Policy and Sexual Assault and Sexual Harassment Prevention Policy and Procedure are also applicable to children. In particular, all members of the Holmes community shall avoid actions or behaviours that could be construed as child abuse such as:
- a. Using language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
 - b. Exploiting or harassing children in any way;
 - c. Engaging in unauthorised personal contact with children, including through social networking sites; or
 - d. Developing special relationships that could be seen as favouritism.
- 4.21 All members of Holmes must immediately report any concerns or allegations of child abuse or non-compliance of this Policy in accordance with the Critical Incident Policy.
- 4.22 A failure to comply with Sections 4.9 and 4.10 may constitute a criminal offence and result in serious consequences.
- 4.23 Holmes will manage all allegations sensitively and expeditiously and in accordance with the principles of natural justice and procedural fairness.
- 4.24 Holmes is committed to maintaining confidentiality when dealing with and reporting on all allegations of child abuse, except as required by law.

5. Complaints and Appeals

- 5.1 Holmes will take all reasonable actions to ensure that children are protected in their activities with the Holmes community.
- 5.2 If any children or their parents/guardians are not satisfied with Holmes' operations where children are involved, they are encouraged to discuss the matter with the Institute to seek resolutions. If still dissatisfied, solutions can be sought under Holmes' Complaints and Appeals Policy and Procedure.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

Responsible Officer	Chief Executive Officer		
Implementation Officers	U18 Welfare Director, Campus Directors, U18 Welfare Officers		
Review Date	September 2023		
Approved by			
Governing Council			
Associated Documents			
Aboriginal and Torres Strait Islander Peoples Education Policy Acceptable Use of Information Technology Policy Admission Requirements Policy and Procedures Complaints and Appeals Policy and Procedure Critical Incident Policy and Procedure Cybersecurity Policy and Procedure - Students Diversity and Equity Policy and Procedure Privacy Policy and Procedure Sexual Assault and Sexual Harassment Prevention Policy and Procedure Student Charter and Student Conduct Policy Workplace Health and Safety Policy Child Safety Code of Conduct – Higher Education Child Safe (U18) Risk Management Strategy – Higher Education			
Version	Brief Description of the Changes	Date Approved	Effective Date
1.0	New Policy	3 December 2021	3 December 2021
2.0	Addition of Child Safety Team and Staff Responsibilities	21 st October 2022	21 st October 2022