

# CHILD PROTECTION POLICY AND PROCEDURE

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<b>Responsible Officer</b>	Head of People and Culture
<b>Approved by</b>	Board of Directors
<b>Approved</b>	14th May 2020
<b>Commenced</b>	14 <sup>th</sup> May 2020
<b>Review by</b>	May 2023
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection (Working with Children) Act 2012 (NSW)</a></li> <li>• <a href="#">Working with Children Act 2005 (VIC)</a></li> <li>• <a href="#">Child Protection (Working with Children) Regulations 2013 (NSW)</a></li> <li>• <a href="#">Working with Children Regulations 2016 (VIC)</a></li> <li>• <a href="#">Children and Young Persons (Care and Protection) Act 1998 (NSW)</a></li> <li>• <a href="#">Children, Youth and Families Act 2005 (VIC)</a></li> <li>• <a href="#">Crimes Act 1900 (NSW)</a></li> <li>• <a href="#">Crimes Act 1958 (VIC)</a></li> <li>• <a href="#">Education Act 1990 (NSW)</a></li> <li>• <a href="#">Education and Training Reform Act 2006 (VIC)</a></li> <li>• <a href="#">Education Services for Overseas Students Act 2000 (ESOS) and Regulations 2001 (ESOS)</a></li> <li>• <a href="#">Higher Education Standard Framework 2015</a></li> <li>• <a href="#">National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code)</a></li> <li>• <a href="#">Ombudsman Act 1974 (NSW)</a></li> <li>• <a href="#">Ombudsman Act 1973 (VIC)</a></li> </ul>
<b>Responsible Division</b>	People & Culture

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## 1. Policy Statement

### 1.1 Authority

**The Australian Institute of Music Limited (AIM), known as ‘the Institute’, is governed by the Board of Directors (BoD) with academic authority delegated to the Academic Board (AB). The BoD and AB share joint responsibility for ensuring that all general and academic policies and procedures follow ‘best practice’ principles for Higher Education and other sectors of educational delivery, in compliance with relevant Australian legislation and current regulatory requirements.**

### 1.2 Application

This policy and procedure applies to Quality Assured (QA) delivery of accredited AIM programs offered at the Sydney and Melbourne campuses. If applicable, this policy and procedure will also apply in future, wherever QA AIM programs are approved for delivery elsewhere in Australia or overseas.

### 1.3 Context and Purpose

- AIM recognises the importance of protecting under age students and children visiting its campuses and work with children off campus through, for example, schools visits, from abuse and is committed to seeking to:
  - provide a learning environment for under age students that is safe and supportive;
  - implement strategies to prevent instances where students and visitors under the age of 18 are at risk of significant harm; and
  - identify when an underage student or person under the age of 18 is at risk of significant harm and to otherwise take appropriate action where there is a reasonable belief that there is a risk of significant harm.
- This policy is intended to assist AIM and its Workers to achieve this objective and to comply with their obligations under the following applicable pieces of New South Wales and Victoria legislation relevant to, or touching on, child protection:
  - *Child Protection (Working with Children) Act 2012 (NSW) or Working with Children Act 2005 (VIC)*, which deals with, among other matters, clearance requirements for working with children in child-related work;
  - *Children and Young Persons (Care and Protection) Act 1998 (NSW) or Children, Youth and Families Act 2005 (VIC)* which deals with, among other matters, reporting to the Department of Family and Community Services where there are reasonable grounds to suspect that a child is at risk of significant harm;

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- *Ombudsman Act 1974 (NSW)* or *Ombudsman Act 1973 (VIC)* which deals with, among other matters, reporting to the New South Wales and Victorian Ombudsman certain allegations or convictions pertaining to prescribed conduct towards or affecting children;
  - *Crimes Act 1900 (NSW)* or *Crimes Act 1973 (VIC)*, which deals with, among other matters, concealing serious indictable offences,
  - and associated regulations.
- To the extent of any inconsistency between this policy and the relevant child protection legislation and regulations referred to above, the legislation and regulations will prevail.

## 1.4 Scope and Coverage

- This policy applies to AIM and its Workers.
- It is a policy document and does not form part of any contract between AIM and a Worker, and is not, and is not intended to be, contractual in nature. As a result, any reference to an obligation or requirement of AIM in this policy is not intended to, and does not, give rise to contractual obligations binding on AIM. However, a breach of a Worker's obligations under this policy may result in disciplinary action, including up to immediate termination of their employment or engagement.
- This policy is not limited to the workplace or to work hours. It extends to, for example, all functions and places that are work-related and Workers must therefore comply with this policy at all work-related events and functions.
- This policy and procedure applies to all staff, students, contractors and visitors at the Melbourne and Sydney campuses

## 1.5 Special Conditions or Exceptions

- Nil

## 2. Procedures

### 2.1 Child Related Work

**2.1.1** When working with under age students or engaging in Child-Related Work, Workers must comply with AIM's policies as outlined in this document and as listed on Sharepoint/Quality/Policies and Procedures

**2.1.2** The *Child Protection (Working with Children) Act 2012 (NSW)* and the *Working with Children Act 2005 (VIC)* imposes obligations on Workers and employers in relation to Child-Related Work.

**2.1.3** Unless a relevant exemption applies under the *Child Protection (Working with Children) Regulations 2013 (NSW)* or the *Working with Children Regulations 2016 (VIC)*, a Worker must not engage in Child-Related Work:

- a. unless the Worker holds a Working With Children Check Clearance, or there is a current application by the Worker to the Office of the Children's Guardian for the relevant Clearance; or
- b. at any time that Worker is subject to an interim bar (i.e. a bar from engaging in child-related work).

**2.1.4** Equally, unless a relevant exemption applies under the *Child Protection (Working with Children) Regulations 2013 (NSW)* or the *Working with Children Regulations 2016 (VIC)*, AIM must not commence to employ or engage a Worker in Child-Related Work if it knows or has reasonable cause to believe that:

- a. the Worker does not hold a Working With Children Check Clearance, or does not have a current application with the Office of the Children's Guardian for the relevant Clearance; or
- b. the Worker is subject to an interim bar (i.e. a bar from engaging in child-related work).

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**2.1.5** As a result, before employing or engaging a person as a Worker in Child-Related Work, AIM is obliged to verify that the person:

- a. is the holder of a Working With Children Check Clearance that authorises the work, and is not subject to an interim bar; or
- b. has made a current application to the Office of the Children’s Guardian for a relevant Clearance.

**2.1.6** AIM is also prohibited by law to continue to employ or engage a Worker in Child-Related Work if AIM knows or has reasonable cause to believe that:

- a. the Worker is not the holder of a Working With Children Check Clearance that authorises that work and that there is no current application by the Worker to the Office of the Children’s Guardian for an appropriate Clearance; or
- b. the Worker is subject to an interim bar.

**2.1.7** As a result, a Worker who ceases to hold a Working With Children Check Clearance, or who becomes the subject of an interim bar, must immediately notify the Head of People and Culture of AIM and their employment or engagement with AIM may need to cease as a result.

### 2.2 Obligations of Workers to Report to AIM

**2.2.1** A Worker must notify the Point of Contact, as soon as practicable, if they have a Reportable Concern.

**2.2.2** The Worker must provide the Point of Contact with a clear written statement of the Reportable Concern, and otherwise cooperate with the Point of Contact to the extent that further information may be required.

**2.2.3** Workers should be aware that parents/guardians may also notify AIM about Reportable Concerns.

**2.2.4** If a Worker has a concern that a Child’s or Young Person’s health, safety or wellbeing may be at risk or adversely affected, but that concern does not amount to a Reportable Concern, the Worker should still report the concern to the Point of Contact as soon as practicable. AIM may follow any process it considers appropriate to inquire into, or address the concern in, the circumstances, having regard to applicable law, and will not be obliged to follow the processes contained within this policy if the concern does not constitute a Reportable Concern.

### 2.3 When Notified of a Reportable Concern

**2.3.1** The procedure set out in this section is intended to provide guidance about the process that will generally be followed by AIM where a Worker notifies the Point of Contact of a Reportable Concern. However, AIM reserves the right to follow any process it considers appropriate to inquire into, or address, a Reportable Concern in the circumstances, having regard to applicable law.

**2.3.2** If AIM considers it necessary to do so by law, it will report a Reportable Concern to the Police, the Department of Family and Community Services, the New South Wales or Victorian Ombudsman or any other relevant state or federal authority. In the following circumstances, the Point of Contact will be obliged to report on AIM’s behalf to:

- a. the Department of Family and Community Services, a Reportable Concern which involves a reasonable suspicion that a Child or Young Person (as those terms are defined for the purposes of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) or the *Children, Youth and Families Act 2005* (VIC) ) is at Risk of Significant Harm where the suspicion arises during the course of, or from the Worker’s work;
- b. the New South Wales or Victorian Ombudsman, a Reportable Concern which is a Reportable Allegation or a Reportable Conviction against a Worker of which the Principal becomes aware, as soon as practicable or

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otherwise within 30 days of the Principal becoming aware of it (or within such further period as is agreed to by the New South Wales or Victorian Ombudsman).

**2.3.3** Where deemed by AIM as necessary and appropriate, and subject to paragraph 2.3.4 of this policy, AIM will investigate, or arrange for an independent third party to investigate on AIM's behalf, the Reportable Concern(s) notified to the Point of Contact. The investigation will be conducted by a person who is independent, unbiased and has no conflict of interest associated with their involvement in the investigation.

**2.3.4** AIM may choose not to investigate, or may defer any investigation of, a Reportable Concern to the extent that the New South Wales or the Victorian Ombudsman (or other external authority) has notified AIM that it will investigate the matter or has directed AIM not to investigate, or to defer investigating, the matter. Otherwise, AIM will endeavour to conduct any investigation in a timely manner having regard to the circumstances.

**2.3.5** In conducting an investigation, AIM will typically endeavour to do the following (or, where applicable, ask any third party investigating on AIM's behalf to do the following):

- a. as appropriate interview the person who notified the Reportable Concern to obtain further information about the Reportable Concern, allowing the person to bring a support person to the meeting should they choose;
- b. as appropriate, notify the Worker against whom a Reportable Concern has been made as to the nature of the Reportable Concern; that an investigation will be conducted; that the Worker will be given the opportunity to respond to the allegations the subject of the Reportable Concern; that depending on the findings of the investigation, potential disciplinary action may result; and that AIM may be obliged to report to external bodies in relation to the Reportable Concern;
- c. conduct all necessary interviews with persons who AIM considers have relevant information pertaining to the Reportable Concern, including interviewing, and obtaining a response from, the Worker against whom a Reportable Concern has been made; if appropriate, the Child or Young Person involved in or affected by the Reportable Concern; and all relevant witnesses. AIM will allow all who are interviewed the opportunity to have a support person present at their interview;
- d. require all parties involved in the investigation to keep confidential the matters subject of the investigation, unless they are required to disclose them by law, or, in the case of AIM, where it is also necessary to disclose to participants in the investigation certain information to be able to appropriately conduct the investigation;
- e. collect all other available relevant information;
- f. accurately document the investigation process;
- g. in the event that a Reportable Concern affects a Child, a Young Person or a Worker with a vulnerability (e.g. age, disability, cultural or linguistic differences), be sensitive to and aware of those vulnerabilities without, to the extent possible, deviating from this policy;
- h. where the New South Wales or Victorian Ombudsman monitors the progress of an investigation by AIM into a Reportable Allegation or Reportable Conviction, provide the New South Wales or Victorian Ombudsman with such documentary and other information (including records of interviews) as the New South Wales or Victorian Ombudsman may from time to time request with respect to the investigation;
- i. assess all of the evidence and make a finding as to whether the Reportable Concern is, on the balance of probabilities, proven, disproven or inconclusive; and
- j. provide to relevant persons a summary of the findings, as appropriate. This will include to the Worker the subject of the Reportable Concern and, subject to considering their response, AIM may take action as a consequence of those findings. The action to be taken will be at the absolute discretion of AIM and will depend on the circumstances of each case, however, for proven conduct it may involve (among other things) disciplinary action up to and including termination of the employment or the engagement of the

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Worker.

**2.3.6** At the conclusion of any investigation concerning a Reportable Allegation or Reportable Conviction against a Worker, AIM will:

- a. send to the New South Wales or Victorian Ombudsman a copy of any report as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based;
- b. provide the New South Wales or Victorian Ombudsman with such comments on the report and statements as the Point of Contact thinks fit;
- c. inform the New South Wales or Victorian Ombudsman of the action that has been taken or is proposed to be taken with respect to the Reportable Allegation or Reportable Conviction the subject of the investigation; and
- d. provide such additional information as the Ombudsman considers necessary to enable the Ombudsman to determine whether the Reportable Allegation or Reportable Conviction was properly investigated and whether appropriate action was taken as a result of the investigation.

**2.3.7** If a Worker (or a parent/guardian) is dissatisfied with AIM's response to or handling of a Reportable Concern involving a Reportable Allegation or a Reportable Conviction, it is open to them to make a complaint to the New South Wales or Victorian Ombudsman.

**2.3.8** Further, if the New South Wales or Victorian Ombudsman conducts an investigation into a Reportable Concern involving a Reportable Allegation or a Reportable Conviction, it may make recommendations to AIM as to actions it should take with respect to the matter.

### 2.4 Risk Assessments

**2.4.1** In conjunction with or independent of any investigation, the Point of Contact, or a Worker nominated by it, will generally conduct an initial risk assessment, and further risk assessments as required where new information emerges or developments occur. These risk assessments are intended to identify and take steps to minimise the risks to:

- a. a young person or Child involved in the Reportable Concern;
- b. Children with whom the Worker the subject of the Reportable Concern may have contact;
- c. the Worker the subject of the Reportable Concern;
- d. a Child, a Worker or parent/guardian who reported the Reportable Concern to AIM;
- e. a Child or a Worker who was a witness to the Reportable Concern;
- f. the parent/guardian of a Child that is the subject of, or was a witness to, the Reportable Concern;
- g. AIM; and
- h. the proper investigation of the Reportable Concern.

**2.4.2** In conducting a risk assessment, AIM will have regard to any matters that it considers to be relevant, which may include, but are not limited to, the following:

- a. the nature of the Reportable Concern;
- b. the vulnerability of the Child (for example, because of age, disability or other medical condition, challenging behaviour, cultural or linguistic background);
- c. the nature of the position occupied by the Worker the subject of the Reportable Concern and the extent to which the Worker is supervised;
- d. the disciplinary history of the Worker the subject of the Reportable Concern; and
- e. the extent to which the investigation could be compromised by the Worker the subject of the Reportable Concern continuing in their normal duties (and, if necessary, AIM may suspend or stand down the Worker

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in these (and potentially other) circumstances).

**2.4.3** AIM will endeavour to ensure that any decision to take action on the basis of a risk assessment will not influence the findings of the investigation into a Reportable Concern.

### 2.5 Support

**2.5.1** Where appropriate, AIM may arrange counselling and other support (including referrals to external agencies that provide care and support) for:

- a. Child the subject of a reasonable suspicion or otherwise involved in an investigation;
- b. Worker who is the subject of a reportable allegation or reasonable suspicion;
- c. Worker or a parent/guardian who has notified AIM of reportable allegations or reasonable suspicions;
- d. Worker who has been involved

### 2.6 Prevention Strategies

**2.6.1** AIM is strongly opposed to Child abuse and will endeavour to support Child protection and Child abuse prevention methods in an effort to minimise the risk of Child abuse occurring in relation to its students.

**2.6.2** Examples of preventative strategies that AIM will endeavour to implement include the following:

- a. implementing pre-employment screening procedures (such as reference checking and detailed questions at interviews), in addition to verifying that the person has a Working With Children Check Clearance, in an effort to employ and engage Workers who are suitable to work with Children and who are supportive of AIM's Child protection policy and objectives;
- b. having clearly defined roles for Workers in relation to Child protection obligations;
- c. providing training to Workers to raise awareness of child protection issues and reinforce this policy, including the Workers' obligations under this policy;
- d. promulgating this policy to Workers and requiring Workers to formally acknowledge that they have read, understood and agree to comply with this policy;
- e. implementing guidelines for appropriate and inappropriate behaviour;
- f. at the conclusion of an investigation and/or from time to time, reviewing whether all child protection risks have been identified and considered, and considering additional or alternative measures to further minimise the risk of harm to AIM's students;
- g. raising the awareness of families and the AIM community about Child protection and strategies to assist families to communicate more openly and effectively with their Child and recognise signs of Child abuse. Such information could be provided through publications, brochures, posters, information evenings and/or small group courses;
- h. providing information to students, families and the AIM community on the Child protection strategies that have been adopted by AIM. Such information could be provided through publications, brochures and posters; and
- i. reviewing and amending or replacing this policy from time to time in light of legislative and/or best practice changes.

### 2.7 Confidentiality and Record Keeping

**2.7.1** AIM will endeavour to keep confidential all documents and information relating to Reportable Concerns against Workers or obtained by AIM in relation to pre-employment screening, and disclose those documents or information only as required by law (including where it is obliged by law to cooperate and share information with other agencies that have responsibilities relating to the safety, welfare or wellbeing of children and young persons) or as necessary to conduct an appropriate investigation.

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**2.7.2** Unless required by law to report the Reportable Concern to an external body, a Worker must maintain confidentiality about the Reportable Concern at all times and must not discuss the matter with anyone other than the Point of Contact, or a Worker nominated by it.

**2.7.3** AIM will endeavour to make and keep accurate records of Reportable Concerns against a Worker, any risk assessment or investigation undertaken by AIM, any investigation report, any action taken by AIM following a risk assessment or investigation, and any Reportable Conviction.

### 3. Accountabilities

#### 3.1 Policy Owner

- **Head of People and Culture:** owns the policy and is the Point of Contact

#### 3.2 Point of Contact Officers

- **Head of Pathways and Engagement :** has the delegated authority to be the Point of Contact **for the Sydney Campus**
- **Head of Operations** has the delegated authority to be the Point of Contact **for the Melbourne Campus**
- **Head of Student Experience and Success :** is the Point of Contact in the absence of the Head of Pathways and Engagement or the Head of Operations

### 4. Supporting Information

#### 4.1 Supporting Documents

- Nil

#### 4.2 Related Documents

- Nil

#### 4.3 Superseded Documents

- Nil

### 5. Definitions and Acronyms

TERM/ACRONYM	DEFINITION
<b>AIM referred to as the 'Institute'</b>	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C; RTO: 90465.
<b>Child</b>	<ul style="list-style-type: none"> <li>• for the purposes of the <i>Ombudsman Act 1974</i> (NSW) or the <i>Ombudsman Act 1973</i> (VIC) (including the mandatory obligation to report to the New South Wales Ombudsman) and the <i>Child Protection (Working With Children) Act 2012</i> (NSW) or the <i>Working with Children Act 2005</i> (VIC), means a person under the age of 18 years; and</li> <li>• for the purposes of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) or the <i>Children, Youth and Families Act 2005</i> (VIC) (including the mandatory obligation to report to the Department of Family and Community Services), means a person under the age of 16 years. (See also the definition of Young Person.)</li> </ul>
<b>Child-Related Work</b>	For the purposes of the <i>Child Protection (Working with Children) Act 2012</i> (NSW) or the <i>Working with Children Act 2005</i> (VIC), means: <ul style="list-style-type: none"> <li>• work that involves direct (physical or face to face) contact by the Worker</li> </ul>



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	<p>with students under the age of 18 and children, including work that is for or in connection with, among other matters, work in schools or other educational institutions (other than universities) and work providing private coaching or tuition to children; or</p> <ul style="list-style-type: none"> <li>work in a child-related role. A child-related role includes, among others, an approved provider, manager or certified supervisor of an education and care service.</li> </ul>
<b>Delegate and Point of contact Officers</b>	<ul style="list-style-type: none"> <li>Head of Pathways and Engagement</li> <li>Head of Operations</li> <li>Head of Student Experience and Success</li> </ul>
<b>Point of Contact</b>	The Head of People and Culture (or delegate), or where the Reportable Concern relates to or is against the Head of People and Culture, means the CEO
<b>Principal</b>	Chief Executive Officer who is the ‘head of agency’ (Institute) for the purposes of the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i> . or where the Reportable Concern relates to or is against the CEO, means the Chair of the Board of Directors
<b>Reasonable Suspicion</b>	A suspicion on reasonable grounds that a Child or Young Person is at Risk of Significant Harm where those grounds arise during the course of or from the Worker’s work.
<b>Reportable Allegation</b>	An allegation of Reportable Conduct against a person or an allegation of misconduct that may involve Reportable Conduct.
<b>Reportable Concern</b>	<ul style="list-style-type: none"> <li>reasonable grounds to suspect that a Child or Young Person (as those terms are defined for the purposes of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> or the <i>Children, Youths and Families Act 2005 (VIC)</i>) is at Risk of Significant Harm (whether or not the Child or Young Person is a student of AIM) and those grounds arise during the course of or from the Worker’s work; or</li> <li>any Reportable Allegation or Reportable Conviction against a Worker of AIM.</li> </ul>
<b>Reportable Conduct</b> (for the purposes of reporting obligations under the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i> )	<ul style="list-style-type: none"> <li>any sexual offence, or sexual misconduct, committed against, with or in the presence of a Child (as that term is defined for the purposes of the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i>) (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the <i>Crimes Act 1900 (NSW)</i> or Division 1 of Section 8D of the <i>Crimes Act 1958 (VIC)</i>); or</li> <li>any assault, ill-treatment or neglect of a Child (as that term is defined for the purposes of the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i>); or</li> <li>any behaviour that causes psychological harm to a Child (as that term is defined for the purposes of the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i>), whether or not, in any case, with the consent of the Child (as that term is defined for the purposes of the <i>Ombudsman Act 1974 (NSW)</i> or the <i>Ombudsman Act 1973 (VIC)</i>).</li> </ul> <p><b>Reportable Conduct</b> does not extend to:</p> <ul style="list-style-type: none"> <li>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 children and to any relevant codes of conduct or</li> </ul>

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	<p>professional standards; or</p> <ul style="list-style-type: none"> <li>• the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or</li> <li>• conduct of a class or kind exempted from being Reportable Conduct by the Ombudsman under section 25CA of the <i>Ombudsman Act 1974</i> (NSW) or 15A of the <i>Ombudsman Act 1973</i> (VIC). The Ombudsman will notify AIM of any such exemption.</li> </ul> <p>Examples of conduct that would <b>not</b> constitute <b>Reportable Conduct</b> include (without limitation):</p> <ul style="list-style-type: none"> <li>• touching a Child in order to attract a Child’s attention, to guide a Child or to comfort a distressed Child;</li> <li>• school teacher or academic lecturer raising his or her voice in order to attract attention or to restore order in the classroom; and</li> <li>• conduct that is established to be accidental</li> </ul>
<b>Reportable Conviction</b>	<ul style="list-style-type: none"> <li>• A conviction (including a finding of guilt without the court proceeding to a conviction), in New South Wales, Victoria or elsewhere, of an offence involving Reportable Conduct.</li> </ul>
<b>Risk of Significant Harm</b>	<p>For the purposes of the mandatory reporting obligation under the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) or the <i>Children, Youths and Families Act 2005</i> (VIC) means where there are current concerns for the safety, welfare or wellbeing of a Child or Young Person because of the presence, to a significant extent, of any one or more of the following circumstances:</p> <ul style="list-style-type: none"> <li>• the Child’s or Young Person’s basic physical or psychological needs are not being met or are at risk of not being met;</li> <li>• the parents or other caregivers have not arranged and are unable or unwilling to arrange for the Child or Young Person to receive necessary medical care;</li> <li>• the Child or Young Person has been, or is at risk of being, physically or sexually abused or ill-treated. (Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given);</li> <li>• the Child or Young Person is living in a household where there have been incidents of domestic violence and, as a consequence, the Child or Young Person is at risk of serious physical or psychological harm;</li> <li>• a parent or other caregiver has behaved in such a way towards the Child or Young Person that the Child or Young Person has suffered or is at risk of suffering serious psychological harm;</li> <li>• the Child was the subject of a pre-natal report under section 25 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) or under section 3.2 of the <i>Children, Youths and Families Act 2005</i> (VIC) and the birth mother of the Child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.</li> </ul>
<b>Worker</b>	<p>For the purposes of the <i>Child Protection (Working with Children) Act 2012</i> (NSW) or the <i>Working with Children Act 2005</i> (VIC), means any person who is engaged in work in any of the following capacities:</p>

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	<ul style="list-style-type: none"> <li>• as an employee,</li> <li>• as a self-employed person or as a contractor or subcontractor,</li> <li>• as a volunteer,</li> <li>• as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),</li> <li>• as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.</li> </ul>
<b>Working with Children Check Clearance (or Clearance)</b>	A clearance for the performance of Child-Related Work provided by the Office of the Children’s Guardian in accordance with the <i>Child Protection (Working with Children) Act 1998 (NSW)</i> or the <i>Working with Children Act 2005 (VIC)</i> .
<b>Young Person</b>	For the purposes of mandatory reporting under the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> , means a person who is 16 or 17 years old.

### 6. Approval and Review Dates

Version	Date Approved by Leadership Group	Date Approval Academic Board	Date Approved by Board of Directors	Amendment Details
1.0	30/04/2018	N/A		New Policy
1.1		N/A	21/06/2018	Updated: To include Victorian Legislation
1.2	04/05/2020	N/A	14/05/2020	Updated to include: <ul style="list-style-type: none"> <li>• Full reference to Victoria</li> <li>• Moved to new format</li> <li>• New contact officers detailed</li> </ul>
1.3				Minor changes to template

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## 7. Flowchart – Showing process and decision points

