



Child Protection Policy

Created: 2019
Reviewed:
Responsible Group: Head of School



TABLE OF CONTENTS

Page

Heading

| | | |
|----|--|----|
| 1. | PURPOSE..... | 3 |
| 2. | INTRODUCTION | 3 |
| | 2.1 General | 3 |
| | 2.2 Obligations to Report | 3 |
| 3. | CHILD PROTECTION PROTOCOLS AND PROCEDURES..... | 3 |
| | 3.1 School | 3 |
| | 3.2 Head of School..... | 3 |
| | 3.3 Staff..... | 3 |
| | 3.4 Child Protection Procedure | 4 |
| | 3.5 Making a Report to the Head of School..... | 4 |
| | 3.5.1 Reasonable Grounds..... | 4 |
| | 3.5.2 Significant Harm..... | 5 |
| | 3.5.3 Other Relevant Definitions | 5 |
| | 3.5.4 Child Abuse..... | 5 |
| | 3.5.5 What should you do if you consider that a mandatory report is required?..... | 6 |
| 4. | REPORTABLE CONDUCT INVOLVING A STAFF MEMBER..... | 6 |
| | 4.1 Contact for Parents | 6 |
| | 4.2 What is a reportable conduct? | 6 |
| | 4.3 Other Relevant Definitions | 6 |
| | 4.4 What happens when an allegation of reportable conduct is made? | 8 |
| | 4.4.1 Initial Steps..... | 8 |
| | 4.4.2 Investigation Principles | 8 |
| | 4.4.3 Investigation Steps | 9 |
| | 4.4.4 Risk Management – an important consideration..... | 9 |
| | 4.4.5 What information will be provided to the PSOA? | 9 |
| | 4.4.6 Disciplinary Action | 9 |
| | 4.4.7 Confidentiality and Information Management | 10 |
| | 4.4.8 Police Checks..... | 10 |
| | 4.4.9 Working With Children (WWC) | 10 |



1. Purpose

This policy document is provided to staff during their employment with AISHK to ensure a clear understanding of their duties and obligations in regard to child protection.

This policy outlines the key concepts and definitions, procedures for reporting and sets out expected standards of behaviour in relation to employees and their relationship with students.

2. Introduction

2.1 General

The safety, protection and wellbeing of all students are of fundamental importance to AISHK.

The School has a range of obligations relating to the safety, protection and welfare of students, including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students;
- Obligations to report suspected abuse;
- Obligations under work, occupational, health and safety.

The purpose of this policy is to summarise the obligations of staff and to provide guidelines as to how AISHK will deal with certain matters. This policy applies to all students at AISHK irrespective of their age.

2.2 Obligations to Report

AISHK requires all staff to report any concerns about the safety, welfare or wellbeing of a student to the Head of School or their delegate.

AISHK requires all staff to report reportable conduct by a member of staff to the Head of School or their delegate.

If the allegation involves the Head of School, the report should be made to the Chair of the AISFL Board. This obligation is part of the school's overall commitment to safety, welfare and wellbeing of students.

3. Child Protection Protocols and Procedures

3.1 School

Should AISHK need to respond to an allegation then a formal procedure as outlined in this policy will be followed.

3.2 Head of School

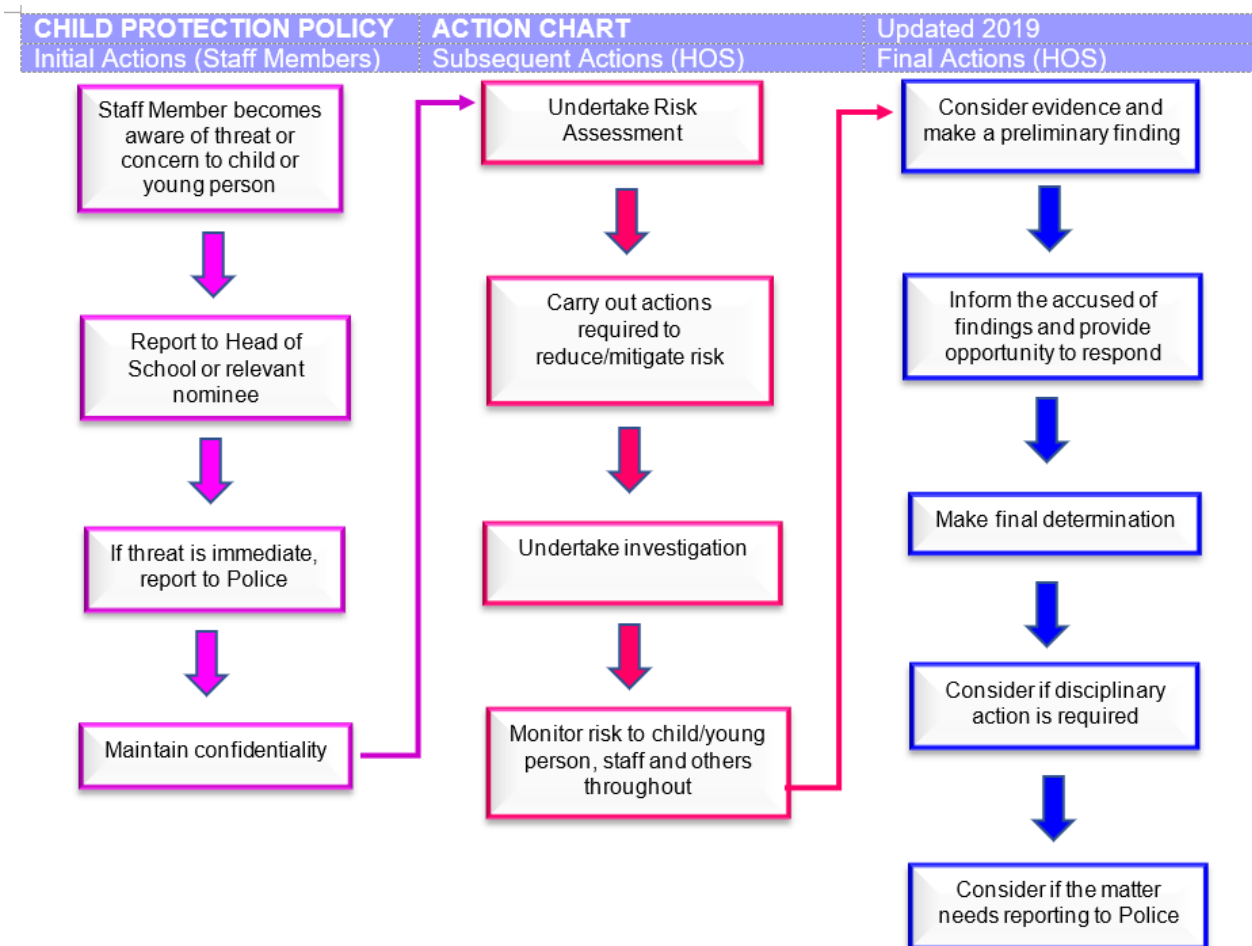
The Head of School (HOS), or their delegate, is responsible for notifying the local police of all allegations of reportable conduct. The HOS, or their delegate, is responsible for determining whether concerns about the safety, welfare or wellbeing of children or young people constitute risk of significant harm and, if they do, will report these to the local police.

3.3 Staff

As a member of staff your responsibility is to report to the HOS or their nominee any concerns you have about the safety, welfare and wellbeing of students that arise during the course of your work.

All staff must be aware of their mandatory obligation to report suspected risk of significant harm, and reportable conduct and of the procedure for doing so.

3.4 Child Protection Procedure



3.5 Making a Report to the Head of School

All staff, where they have reasonable grounds to suspect a student is a risk of significant harm, must report to the Head of School as soon as practicable, the name, or a description, of the child and grounds for suspecting that the child is at risk of significant harm.

3.5.1 Reasonable Grounds

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a student may be at risk of significant harm, based on:

- Firsthand observations of the child, young person or family;
- What the child, young person or another person has disclosed; and
- What can reasonably be inferred based on professional training and/or experience.

Reasonable grounds does not mean that staff are required to confirm their suspicions or have clear proof before making a report.

3.5.2 Significant Harm

A student is 'at risk of significant harm' if current concerns exist for the safety, welfare or wellbeing of the student because of the presence, to a significant extent, of any of the following circumstances:

- a) The student's basic physical needs are not being met or are at risk of not being met;
- b) The parents or other caregivers have not arranged and are unable or unwilling to arrange for a student to receive necessary medical care;
- c) In the case of a student who is required to attend school, the parent or other caregivers have not arranged and are unable or unwilling to arrange for the student to receive an education;
- d) The student has been, or is at risk of being, physically or sexually abused or ill-treated;
- e) The student is living in a household where there have been incidents of domestic violence, and, as a consequence, the student is at risk of serious physical or psychological harm;
- f) A parent or other caregiver has behaved in such a way towards the student that the student has suffered or is at risk of suffering serious psychological harm.

3.5.3 Other Relevant Definitions

Policy definition of significant harm:

A student is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the student are present to a significant extent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the student's safety, welfare or wellbeing.

The significance can result from a single act or omission or an accumulation of these.

3.5.4 Child Abuse

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

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

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 which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

Serious **psychological harm** can occur where the behaviour of a parent or caregiver damages the confidence and self-esteem of the student, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one off' incidents to cause serious harm, in general it is the frequency, persistence and duration of a parent's or carer's behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, and exposure to domestic violence, intimidation or threatening behaviour.

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

3.5.5 What should you do if you consider that a mandatory report is required?

Reporting by the School about these matters to the police, is generally undertaken by the Head of School or their nominee. This is in accordance with best practice principles and is the expectation of AISHK.

If you have a concern that a student is a risk of significant harm you should contact the Head of School or their nominee as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.

- You are not required to, and must not, undertake any investigation of the matter yourself;
- You are not to inform the parents or caregivers;
- You are required to deal with the matter confidentially and only disclose it to persons referred to above or as required to comply with your mandatory reporting obligations. Failure to maintain confidentially will not only be a breach of this policy but could expose you to potential civil proceedings for defamation.

4. Reportable Conduct Involving a Staff Member

You must report any concerns you may have about any other employee engaging in reportable conduct, or any allegations of reportable conduct that have been made to you, to the Head of School, including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour, you must still report it.

You must also report to the Head of School if you become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without any court proceedings to a conviction) involving reportable conduct.

This includes information relating to you.

If the allegation involves the Head of School, you are required to report this to the AISFL Board Chair.

4.1 Contact for Parents

The Head of School or their nominee is the contact point for parents if they wish to report an allegation of reportable conduct against an employee.

4.2 What is a reportable conduct?

Reportable conduct is defined as:

- a) Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography offence or an offence involving child abuse material);
- b) Any assault, ill-treatment or neglect of a child; and
- c) Any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a) Conduct that is reasonable for the purpose of the discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards.

4.3 Other Relevant Definitions

Set out below are definitions of the various terms referred to above in relation to reportable conduct. NB these definitions apply to all AISHK students.

Behaviour that causes **psychological harm** to a child is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

Ill-treatment captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting the child in an obviously unreasonable and seriously inappropriate manner; making excessive and/or degrading demands on a child; hostile use of force towards a child; and/or pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Neglect includes either an action or inaction by a person who has care and responsibility towards a child. The nature of the employees' responsibilities provides the context against which the conduct needs to be assessed. There are four aspects to neglect:

- 1) Supervisory neglect:
 - An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
 - An intentional or reckless failure to adequately supervise a child or a significantly careless act of failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death of, or significant harm to, a child.
- 2) Carer neglect:
 - Grossly inadequate care that involves depriving a child of the necessities of life; such as the provision of food and drink, clothing, critical medical care or treatment or shelter.
- 3) Failure to protect from abuse:
 - An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.
- 4) Reckless act (or failure to act):
 - A reckless act, or failure to act, that:
 - Involves a gross breach of professional standards; and
 - Has the potential to result in the death of, or significant harm to, a child.

Physical assault is any act by which a person intentionally inflicts unjustified use of physical force against another.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

Sexual misconduct and sexual offences – has three categories, which include:

- 1) Crossing professional boundaries;
- 2) Sexually explicit comments and other overtly sexual behaviour;
- 3) Grooming behaviour.

Sexual misconduct – crossing professional boundaries includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- 1) Relationship with;
- 2) Conduct towards, or
- 3) Focus on; a student, or a group of students.

Sexual misconduct – sexually explicit comments or other overtly sexual behaviour are behaviours involving sexually explicit comments and other overtly sexual behaviour, which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- a) Inappropriate conversations of a sexual nature;
- b) Comments that express a desire to act in a sexual manner;
- c) Unwarranted and inappropriate touching;
- d) Sexual exhibitionism;
- e) Personal correspondence (including electronic communications such as emails or text messages) with a student in relation to the adult's sexual feelings for a student;
- f) Exposure of students to sexual behaviour of others including display of pornography; and
- g) Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

Sexual misconduct – grooming behaviour is grooming or procuring a child for unlawful sexual activity and is a sexual offence.

The types of grooming may include (but are not limited to) the following:

Persuading a child or group of children that they have a 'special' relationship, for example by:

- Undressing in front of a child;
- Encouraging inappropriate physical contact;
- Talking about sex;
- 'Accidental' intimate touching'
- Inappropriately extending a relationship outside of work (except where it may be appropriate – for example where there was a pre-existing friendship with the child's family or as part of a normal social interactions in the community).
- Inappropriate personal communications (including emails, telephone calls, text messaging, social media and web forums) that explore sexual feelings or intimate personal feelings with a child; and
- An adult requesting that a child keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase likelihood that grooming is occurring.

Sexual offences – encompass all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- a) Indecent assault;
- b) Sexual assault;
- c) Aggravated sexual assault;
- d) Sexual intercourse and attempted sexual intercourse;
- e) Possession/dissemination/production of child pornography or child abuse material;
- f) Using children to produce pornography;
- g) Grooming or procuring children for unlawful sexual activity; and
- h) Deemed non-consensual sexual activity on the basis of special care relationships.

4.4 What happens when an allegation of reportable conduct is made?

4.4.1 Initial Steps

Once an allegation of reportable conduct against an employee is received, the Head of School is required to:

- 1) Determine on face value whether it is an allegation of reportable conduct;
- 2) Assess whether the Police need to be notified (i.e. if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence);
- 3) Notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by the Police);
- 4) Carry out a risk assessment and take action to reduce/remove risk, where appropriate; and,
- 5) Investigate the allegation or appoint someone to investigate the allegation.

4.4.2 Investigation Principles

AISHK will:

- a) Be mindful of the principles of procedural fairness;
- b) Provide the employee with a reasonable opportunity to put their case, either in writing, at a hearing or otherwise;
- c) Make reasonable inquiries or investigations before making a decision;
- d) Consider all relevant available evidence;
- e) Inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- f) Make reasonable enquiries or investigations before making a decision;
- g) Avoid conflicts of interest;
- h) Conduct the investigation without unjustifiable delay;
- i) Handle the matter as confidentially as possible; and
- j) Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

4.4.3 Investigation Steps

In an investigation the Head of School or appointed investigator will generally:

- a) Interview relevant witnesses and gather relevant documentation;
- b) Provide a letter of allegation to the PSOA;
- c) Interview the PSOA;
- d) Consider relevant evidence and make a preliminary finding;
- e) Inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f) Consider any response by the PSOA;
- g) Make a final finding;
- h) Decide on the disciplinary action, if any, to be taken against the PSOA;
- i) Decide if the matter needs to be reported to the Police.

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

The School will provide support for the child/children, through:

- Relevant teacher, Head of Year, Psychologist or other relevant personnel, where appropriate;
- Acknowledgment of the stress, as it relates to academic performance and co-curricular commitments.

4.4.4 Risk Management – an important consideration

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Head of School will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, AISHK will take into consideration both the needs of the child(ren) and the PSOA.

Note: A decision to take action on the basis of risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

Ongoing Risk Management

The Head of School will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

Risk Management at the Conclusion of the Investigation

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Head of School regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

4.4.5 What information will be provided to the PSOA?

The PSOA will be advised:

- That an allegation has been made against them (at the appropriate time in the investigation); and
- Of the substance of the allegation, or of any preliminary finding/s and the final finding/s.

The PSOA does not automatically have the right to:

- Know or have confirmed the identity of the person who made the allegation; or
- Be shown the investigation material that reveals all information provided by other employees or witnesses.

4.4.6 Disciplinary Action

As a result of the allegations, investigation or final findings, AISHK may take disciplinary action against the PSOA (including termination of employment).

In relation to any disciplinary action the School will:

- Give the PSOA details of the proposed disciplinary action; and
- Give the PSOA a reasonable opportunity to respond before a final decision is made.

4.4.7 Confidentiality and Information Management

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The Head of School may disclose to a student the subject of reportable conduct, or to a parent of the child, information about the progress of the investigation into the allegation, the investigation findings and any action taken in response to those findings.

The School requires that all parties maintain confidentiality during the investigation including in relation to handing and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept by the Director of Human Resources and will be accessible by the Head of School or with the HOS's express authority.

No employee may comment to the media about the allegation of reportable conduct unless expressly authorised by the Head of School to do so.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Head of School.

4.4.8 Police Checks

All staff employed at AISHK must undertake a Police check in the country they were last employed. This Police check must be provided to the School before the employee can commence working at AISHK. If an employee was living in their past country of employment for less than two (2) years, then a Police check must be obtained from the country of previous employment.

Staff relocating from Australia will also be expected to provide their Working With Children number prior to commencing employment.

4.4.9 Working With Children (WWC)

(a) General

A Working With Children Check ('check') is a prerequisite for anyone in child related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a 'check' is either a clearance to work with children for five (5) years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the School and any relevant records, which appear against a cleared applicant's name, may lead to the check being revoked.

It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a check or when their check is up for renewal that they do so.

The School Board must verify that the Head of School holds a Working With Children Check clearance.

If you are an existing employee, employed at AISHK in paid child related work prior to the commencement of the new Working With Children system, you are required to obtain a check.

The following information on the [Hong Kong Police website](#) on applying for a Working with Children Check (Sexual Conviction Record Check) in Hong Kong.

Who is eligible to apply for the Sexual Conviction Record Check (SCRC)?

A.1

Eligible persons to apply for SCRC check include:

prospective employees, contract renewal staff as well as staff assigned by outsourced service providers to organisations or enterprises applying to organisations or enterprises (including schools, residential care homes for disabled persons, private tutorial centres and private interest/activity institutions, e.g. swimming clubs, ball games clubs, music centres, etc.) for work relating to children or MIPs.

The scheme is not applicable to private tutors and volunteers.

Child-related work is defined as work where the usual duties involve, or are likely to involve, frequent or regular contact with children (i.e. persons under 18). Similar criteria but with no age restriction would apply to the MIP-related work. In general, the usual duties of the relevant work may conform to one of the following criteria:

- providing services mainly for children or MIPs (such as teachers, tutors working in tutorial centres, tutors of interest classes, social workers looking after children, paediatricians and nursing staff, staff working in special schools and hostels, etc);
- working in premises that provide services for children or MIPs (such as general staff or assistants, librarians, cleaners, janitors, cooks, security staff in schools or tutorial centres, etc); or
- involving frequent or regular contact, in particular unmonitored contact, with children or MIPs (such as permanently-hired school bus drivers, assistants of children activities, etc).

“Work” covers services provided to an organisation or enterprise under a contract of employment, apprenticeship or on a self-employed basis.

Applicants under the age of 18 should always be accompanied by their parent or guardian when submitting their applications. The parent or guardian should sign on the application form or other required documents to confirm that such procedures are processed with their consent on a fully informed basis.

(b) Responsibilities

The object of the WWC is to protect children:

- Not permitting certain persons to engage in child-related work; and
- By requiring persons engaged in child-related work to have working with children check clearances.

At AISHK we are required to:

- Verify online and record the status of each employee check;
- Only employ or engage employees who have a valid check; and
- Report findings of misconduct involving children made against volunteers.

AISHK employees and eligible volunteers are required to:

- Hold and maintain a valid check (the School acknowledges some exemptions do apply to volunteers);
- Not engage with child-related work at any time that they are subjected to an interim bar or a bar; and
- Report to the Head of School if they are no longer eligible for a check, the status of their check changes, or are notified by the Head of School that they are subject to a risk assessment.