Underage Students’ Protection Policy

Policy Code: STU-003  Version: 1.0  Effective Date: 09 February 2011

Purpose:

Each underage student at Endeavour College of Natural Health has a right to protection from ‘harm’. ‘Harm’ can mean Physical, Psychological or Emotional abuse or neglect.

Endeavour College of Natural Health is committed to the safety and well-being of all underage students who use its services. As a Natural Health College, our staff is committed to providing young people with a safe and secure environment, within which to study.

This policy applies to the period that underage students study within the College.

Scope:

- All campuses
- All departments
- All full time, part time, academic contractors and other contract staff
- All students

Policy Statement:

Introduction

This policy is in existence to help protect any underage students in Endeavour College who are under age and to take the relevant action.

Compliance with this policy is mandatory for each person working within Endeavour College of Natural Health. All information related to suspected or alleged ‘harm’ to underage students must be treated with the utmost confidentiality and all implicated persons must be treated with respect for their privacy and dignity.

Endeavour College of Natural Health usually does not admit students who are under 18 years of age. However, the present policy is in place to address the exceptional circumstances where underage students may be admitted.
In terms of an underage student Protection Policy, this group of young people presents a unique challenge. Tertiary Colleges are essentially adult environments, which means the duty of care Colleges are able to provide is limited, and indeed the level of care a group of 17-year-old College students will accept is also limited.

Guiding Principles
The best interests of the underage student are paramount.

Each underage student is entitled to be treated in a way that supports the principles of privacy, ensures and maintains confidentiality and respects their dignity.

Each underage student is entitled to be cared for in a way that protects them from 'harm' and promotes their well-being.

Each person working within Endeavour College of Natural Health has a responsibility to provide a safe, caring environment that enables each underage student to develop.

All instances involving an underage student that suggest that the underage student has suffered 'harm', is suffering 'harm', or is at an unacceptable risk of suffering 'harm' will be reported to the appropriate authority.

Allegations of 'harm' to an underage student must be dealt with immediately and diligently.

Each person involved in situations where 'harm' to an underage student is suspected or disclosed will be treated with dignity, sensitivity and respect.

Each person who has access to information regarding suspected or disclosed 'harm' to an underage student has an obligation to observe confidentiality.

Essential Behaviours to Safe Guard Integrity, Clarify Professional Boundaries and Create a Safe Environment
Each person working within Endeavour College of Natural Health will avoid any behaviour that could be reasonably interpreted as inappropriate touching.

Each person working within Endeavour College of Natural Health will, whenever reasonably possible, have another adult present or close by when working in a one-to-one situation with an underage student and avoid providing pastoral care or individual tuition in situations where underage students are or feel isolated.
Each person working within Endeavour College of Natural Health will take particular care to respect the personal space of underage students.

No person working within Endeavour College of Natural Health will supply alcohol or any controlled substance to children or youth in Endeavour College of Natural Health.

No person working within Endeavour College of Natural Health will administer corporal punishment to children or youth.

Each person working within Endeavour College of Natural Health will ensure that their actions or language cannot be interpreted as sexualising a pastoral / professional relationship.

No person working within Endeavour College of Natural Health will, by their actions or words, ridicule, demean or intimidate an underage student or threaten their sense of personal safety.

Each person working within Endeavour College of Natural Health will at all times provide a nurturing, safe environment that meets the needs of underage students living away from their home whilst ensuring that safe practices in compliance with this policy are implemented.

Such practices would involve avoiding any action that could be misconstrued as causing 'harm' to an underage student (See definition of 'harm' in this policy).

**Particular Staff Responsibilities**

**Academic staff** shall have the following responsibilities towards under age residents, in addition to those already outlined in their Position Descriptions:

- Inform the Director of Education if an underage student is found to be drinking alcohol or taking illegal drugs
- Make regular checks on the welfare of underage students.

**Office staff** shall:

- Inform the Director of Education if an under age student is drinking alcohol or taking illegal drugs on the premises
- Inform the Director of Education if they come across any evidence that an underage student's welfare is compromised e.g. any signs of injury or emotional distress.

**Director of Education:**

In addition to those responsibilities outlined in the position description shall:
• Ensure that regular checks on the welfare of underage students are performed
• Inform all other employees of their responsibilities with regards to underage students; and
• Inform a student's parents of any serious concerns they may have with regards to the welfare of their underage student.

Categories of Harm
• Harm caused by an Endeavour College of Natural Health employee
• Harm caused by other students
• Harm caused by others
• Student Self Harm
• General Harm

Risk Management
Examples of potential risks for underage students in a College:

<table>
<thead>
<tr>
<th>Bullying / Hazing</th>
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<tbody>
<tr>
<td>As with any tertiary College there is the potential for this type of behaviour to occur.</td>
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<tr>
<td><strong>Management of Risk:</strong></td>
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<tr>
<td>Refer students to Endeavour College of Natural Health <em>Discrimination and Harassment Policy</em>.</td>
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<table>
<thead>
<tr>
<th>Sexual and Physical Abuse</th>
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<tbody>
<tr>
<td>Underage students go to classes and clinics with 'of age' students. Although the difference in age is quite small, underage first year students are at greater risk of physical and sexual assault than their 'of age' counterparts.</td>
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<tr>
<td><strong>Management of Risk:</strong></td>
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<tr>
<td>Academic staff teaching underage students are alerted to the fact that they have an underage student in their class and they are beholden to extend all reasonable protection they can to these underage students. Academic staff undergo training to help manage this risk.</td>
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<tr>
<td>Academic staff have a current positive Working with Children (WWC) registration or</td>
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Police Clearance (PC).

**Under Age Drinking**

The issue of under age drinking and the associated risks poses a significant problem to Endeavour College of Natural Health. Some of the risks are:

- Breaking the law
- Accidents
- Health problems
- Overdose.

**Management of Risk:**

The student handbook outlines that drinking on the College grounds is a breach of College regulations.

- All staff are instructed to discourage it.
- All official functions abide by the liquor act to prevent underage drinking.
- The Director of Education keeps an incident file whereby any incidents regarding students in the College are documented in student files; and
- Academic staff who are in charge of underage students are required to keep a diary which documents any dealings with students they have in their units i.e. if a student comes to them distressed.

**Self-Harm and General Harm**

This encompasses an array of self destructive behaviours such as alcohol abuse, drug abuse, physical self-harm and suicide. Endeavour College of Natural Health recognises that young men / older adolescent males are a high risk group.

**Management of Risk:**

Articles in the student newsletter, which discuss issues pertinent to this problem.

Staff are instructed to encourage students to seek professional help if required.

**Related Procedures:**

[Underage Students – Responding to Disclosure or Suspicion of Harm Procedure](#)
Definitions:

First-years – Meaning a student's first year at

Freshers – Meaning it is a student's first year at College

Harm – Meaning harm caused to an underage student is any detrimental effect of a significant nature on the underage student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to an underage student includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the underage student if allowed to continue. Harm can be caused by, amongst other things:

- Physical or emotional abuse or neglect; or
- Sexual abuse or exploitation.

of-age (as in ‘of age students’) – Meaning over 18 years of age

Underage – Meaning under 18 years of age

Underage student – Meaning an Endeavour College student who is underage

Further Information:

Related Policies: Discrimination and Harassment Policy
All published Endeavour College policies

Benchmarking: Not Applicable

Supporting Research and Analysis: Not Applicable

Related Documents: Staff Induction Program
Staff Position Descriptions

Related Legislation: Not Applicable
Guidelines:  Handling Complaints and Disclosures of ‘Harm’
Endeavour College of Natural Health is structured in such a way that academic staff are assigned to oversee the subjects they teach and coordinate.

Under this arrangement the academic staff member is generally the first point of call for the students. Academic staff have been instructed to verbally inform their manager immediately if they are made aware of any incidents of assault, bullying, intimidation, harassment and / or abuse. The manager will investigate the situation and inform the Director of Education immediately.

Endeavour College of Natural Health will be guided by the following when handling complaints and disclosures of harm:

Protection
- The Director of Education will ensure that the following are undertaken in order to reduce the chance of abuse occurring:
  - Ensure that each staff member understands and fulfils their obligations under these principles and guidelines and underage student Protection policy
  - Ensure that there is an acceptable reference for each staff member engaged since commencement of this protocol from the previous employer; and
  - Ensure that each staff member and volunteer at the College who has contact with underage students has a current positive Working with Children (WWC) registration or Police Clearance (PC).

Promptness
- All steps under the policy should be carried out promptly. The College will keep the victim and the alleged perpetrator informed of all progress.

Natural Justice
- The principles of natural justice will apply to all decisions to be made. The two fundamental principles of natural justice are:
  - That those making a decision are not biased; and
  - That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

Process
- It is important to make the lodging of a complaint easy. The administrative structure is designed in such a way that such complaints should be easy to make.
Confidentiality

- Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Endeavour College of Natural Health is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence in certain circumstances.

- The Child Protection Act 1999 and the Education and Other Legislation (Student Protection) Act 2003 provide protection from civil liability (including defamation) for persons who, acting honestly, notify or give information about suspected harm or sexual abuse to a child. The legislation also states that merely because the person gives the notification, the person cannot be held to have breached any code of professional etiquette or ethics, or departed from accepted standards of professional conduct. This legislative protection is only afforded in relation to complaints involving a child, defined as a student under the age of 18 years.

Criminal Law

- Where there are allegations of criminal misconduct the allegation should be referred to the police. The Director of Education must refer all allegations of paedophilia to the police, including those from the past, except where the alleged perpetrator is deceased.

Interviews

- There will be two representatives of the College present at interviews where practical.

Public Relations

- The Director of Education will ensure that the College is able to respond quickly to allegations of harm so that accurate and relevant information is available for staff members, students and their families and for the media.

- No other staff or volunteer is to make comment to the media without direct approval from the Director of Education.

Senior Management

- If a complaint is made against the Director of Education, then it is to be made to the Director of Campus Services.

Police Action

- It will usually be necessary to wait until the police have decided whether to charge
the respondent before taking any internal disciplinary proceedings.

- If the police do charge the respondent it will be necessary to wait until those charges have been dealt with in the courts before commencing internal inquiries or disciplinary proceedings.

- This does not preclude the Director of Education from seeking advice from police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation.

- The police are not required to inform the College about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

**Insurer**

- The College will keep its insurer informed about developments.

**Review**

- The College will ensure that the Endeavour College of Natural Health Underage Students’ Protection Policy is reviewed at least once every year.
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<thead>
<tr>
<th>Policy Author:</th>
<th>Director of Education</th>
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<td>Policy Owner:</td>
<td>Director of Education</td>
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</table>
| Contact: | Director of Education  
DrNicholas.Vardaxis@endeavour.edu.au |
| Approval Committee: | Chief Executive Officer  
Meeting date: 09 February 2011 |
| Policy Status: | New |
| Responsibilities for Implementation: | Director of Education  
Director of Campus Services  
National Student Support Coordinator  
National Enrolment Manager |
| Key Stakeholders: | Director of Education  
Director of Campus Services  
National Enrolment Manager  
National Student Support Coordinator  
Manager – College of Natural Beauty |
| Date for Next Review: | February 2012 |

### Version Summary

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<td>N. Chaperon</td>
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