Underage Students – Responding to Disclosure or Suspicion of Harm Procedure

Version: 1.0 Effective Date: 09 February 2011
Related Policy Code: STU-003 Related Policy Name: Underage Students’ Protection Policy

Purpose:
This procedure has been designed to ensure compliance with requirements of the legislation. It specifies:

- Mandatory reporting to the Police when sexual abuse against an underage student by a person working within Endeavour College of Natural Health becomes known or is reasonably suspected; and
- Immediate referral to the Police if there is any reasonable suspicion of harm to an underage student.

This procedure must be read in conjunction with the Underage Students’ Protection Policy.

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

Procedure Process:
Registering the Disclosure or Suspicion of ‘Harm’ to an Underage Student
1. Underage student related ‘harm’ can mean physical, emotional or sexual abuse, self harm, neglect, domestic violence, inappropriate unethical use of Internet, e.g. paedophile networks, pornographic materials applying to all employees, volunteers,
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children and youth and procuring a child over the internet.

2. Each person working within Endeavour College of Natural Health has responsibility for reporting 'harm' if the employee or volunteer knows or reasonably suspects 'harm' is occurring, has occurred or is likely to occur; and/or an underage student (or their parent / caregiver) complains or discloses to a person working within Endeavour College of Natural Health that she / he or another underage student has suffered or is likely to suffer 'harm'.

**Reporting Requirements when Underage Student-Related Sexual Abuse is Committed by, Suspected of or Alleged against a person working within Endeavour College**

1. A person working within Endeavour College of Natural Health (the "first person") is alerted to the need to take action where 'sexual abuse' to an underage student is known to have been committed by, reasonably suspected or even alleged to have been committed by another person working within Endeavour College of Natural Health.

2. The "first person" will document the concern or allegation immediately and will ensure the person (if any) reporting the matter is supported.

3. Under no circumstances will the College employee or volunteer conduct an interview with the underage student, as this could jeopardise any police investigation.

4. The "first person" will immediately inform the Director of Education and give them the written report.

5. On receiving the report from the "first person" the Director of Education will immediately contact the Police and take a copy of the written report of the "first person" and provide the copy of the report to the Police.

6. The Director of Education will inform the CEO that an allegation of sexual abuse against a person working within Endeavour College of Natural Health has been received whilst supporting the principles of privacy. Neither the complainant's nor the name of the accused will be disclosed without the written, signed consent of the complainant or the accused.

7. The written report of the "first person" will be kept in a confidential file in a secure place
by the Director of Education and the copy of the "first person's" written report given to the Director of College Services.

8. The person reporting the incident (the "first person") does not discuss the matter with anyone other than the person to whom the incident was reported and the Police.

9. Any person implicated in the matter is not informed at this stage or prior to notifying the Police.

10. If a parent / caregiver makes a complaint on an underage student's behalf, those working within Endeavour College of Natural Health must not seek further information from the underage student once the initial report is made, as this may prejudice or obstruct any police investigation that occurs.

11. If the allegation took the form of a disclosure by an underage student, the underage student should be asked not to discuss the matter with any other staff or students and it should be suggested that she / he discuss the matter only with his / her parents (unless the parents are implicated) and / or the appropriate authorities, that is, the Police or officers or social services staff recommended by the Police.

12. The underage student will be given pastoral support throughout the process. This support will not be of a nature that could jeopardise any criminal justice process. It is the responsibility of the Police to arrange for a referral to an appropriate agency in such instances.

13. The Director of Education with the agreement of the Police informs the parent or guardian of the underage student central to the allegation that the matter is being handed to the Police and arranges support through the Child and Youth Protection Contacts.

14. If it is necessary for a representative to attend a police interview with the underage student it must be stressed that the content of the interview is STRICTLY CONFIDENTIAL.

15. The Director of Education will ensure all who are implicated in the matter receive a pastoral response.

16. The Director of Education will suspend an accused person working within Endeavour College of Natural Health from active work with underage students or re-locate them to another place of work that does not involve underage students, during the period of the investigation. The accused person will be suspended in accordance with the relevant
industrial agreement or employment contract. The details of the suspension will be handed to or posted to the accused person at the time of the suspension. A support person will be made available to the person against whom the allegation has been made.

17. Where the person against whom the allegation has been made is a volunteer working within Endeavour College of Natural Health, the Director of Education will inform the volunteer that they are excluded from working within Endeavour College of Natural Health, during an investigation. This information will be handed to or posted to the volunteer at the time of exclusion.

18. If a police investigation makes it clear that the accused did not commit the alleged offence the Director of Education will ensure whatever steps are necessary to restore the good reputation of the accused.

Responding to Situations where it is Known, Suspected or Alleged that any form of Non-Sexual ‘Harm’ is Occurring, or is Likely to Occur, to an Underage Student

1. A person working within Endeavour College of Natural Health (the "first person") is alerted to the need to take action in circumstances where 'harm' to an underage student in the College is known to have occurred, is reasonably suspected or even alleged, in circumstances where the person implicated is another person working within Endeavour College of Natural Health.

2. Each person ("first person") who knows of the harm, reasonably suspects the harm or is aware of the alleged harm will record the information immediately and give the original to the Director of Education. This documentation will be kept in a confidential file in a secure location other than the accused person’s personnel file.

3. The "first person" will report the matter immediately to the Director of Education. If the Director of Education could be implicated the matter will be referred immediately to the Director of Campus Services.

4. The Director of Education will make an initial assessment to determine the nature of the complaint and the appropriate response to the matter. That is, whether the matter is a minor breach of professional standards, a serious breach of professional standards or is potentially criminal.
5. If the matter would (if proved) be criminal or potentially criminal, the Director of Education will immediately report the matter to the Police.

6. If the matter would (if proved) be a minor breach of professional standards (i.e. something that does not constitute harm) it can be handled as an ‘in-house’ disciplinary matter.

7. If the matter would (if proved) be a serious breach of professional standards the Director of Education will report the matter to the CEO and recommend that further investigation take place.

8. If the Director of Education decides the matter does not require investigation, they write to the person who reported the matter to inform them that they propose not to investigate the matter.

9. If the Director of Education decides that the matter requires investigation, they write to the person who reported the matter to inform them that they propose to investigate the matter.

10. The Director of Education may give a written notification to the person against whom a suspicion or allegation of harm is raised (the respondent).

11. The Director of Education will consider any written response of the respondent and decide whether a further investigation is necessary.

12. Where the Director of Education and Director of College Services decides that no further investigation is necessary, the Director of Education should write to the respondent to inform him / her that he intends to take no further action on the suspicion or allegation, and the Director of Education should also write to the underage student or other persons who reported the matter that he intends to take no further action.

13. Where the Director of Education (on considering the written response of the respondent) decides that further investigation of the suspicion or allegation is necessary, they shall undertake or initiate such investigation as is decided appropriate. Such investigation should generally include allowing the respondent to respond further orally or in writing to the particulars of the suspicion or allegation provided that if the respondent responds orally, he / she should be allowed to have a support person present at the time of the oral response.

14. If this investigation finds that no further action is required the Director of Education (where appropriate) will take all reasonable steps to assist the person to re-establish
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his / her credibility in the eyes of colleagues and the community.

15. The Director of Education will record the fact that following investigation no disciplinary or other action was taken in relation to the matter.

16. The Director of Education will retain all documentation of the allegation and the process. This documentation is not kept in the person's personnel file to ensure confidentiality.

17. The Director of Education ensures that the person who reported the matter is given appropriate feedback on the outcome of the investigation.

18. Pastoral care of all implicated will need to be monitored and support provided if requested or deemed necessary.

Responding to an Allegation of ‘Harm’ (including sexually abusive behaviour) to an Underage Student by an Adult Working at Endeavour College.

1. A person working within Endeavour College of Natural Health (“first person”) is alerted to the need to take action in circumstances where 'harm' (including sexually abusive behaviour) to an underage student by another member of the College is suspected or alleged.

2. The person reporting the matter (“first person”) will record the information received as soon as possible and report the matter immediately to the Director of Education.

3. The Director of Education will obtain from the person reporting his / her documentation of what was observed or said.

4. The Director of Education will be careful in the management of the situation not to act in any way that could prejudice any subsequent investigation by the Police.

5. If after the initial assessment the Director of Education reasonably suspects that a member of the College has committed actions towards a minor that are of a criminal nature and have had a "detrimental effect of a significant nature" on another underage student, the Director of Education will ensure that:

6. If, after the initial assessment, the Director of Education has not formed the reasonable suspicion that there is a case to answer, the Director of Education will ensure that:
a) the parents / guardians of the underage student involved are appropriately informed and consulted;
b) parents / guardians of the alleged victim understand their options to draw their concerns to the attention of the civil authorities, Police;
c) the intervention strategy decided upon is documented and on file, and that it includes a monitoring provision to check effectiveness;
d) the parents / guardians of all children and youth involved have a copy of the intervention strategy; and
e) the Director of Education will ensure all who are implicated receive a pastoral response.

7. At all times, subject to legal requirements, the principles of privacy will be supported and the need for confidentiality ensured and maintained.

Definitions:  

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.

Further Information:

Related Policies: Discrimination and Harassment Policy
Underage Students’ Protection Policy.

Related Procedures: Not Applicable

Related Documents: Not Applicable

Guidelines: Not Applicable
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