


AIHS Policy and Procedure		
Doc #: PP - 2.16	Title: Student Protection	
Manual: 3.6		
	NC: 5 and 11	
Rev #: 6	Approved By: School Principal and PEO	Date: 28/05/2025

1.0 Purpose

- 1.1 This policy and procedure provides guidelines in ensuring a safe learning environment for all students.
- 1.2 The policy and procedure articulates the Australian International High School's (AIHS) approach to the important issue of child protection.
- 1.3 This policy and procedure requires staff in child-related work to have a Working with Children Check clearance.
- 1.4 To ensure that AIHS does not engage a prohibited person that could reasonably be anticipated to involve direct contact with children where that contact is not directly supervised.


2.0 Scope

This policy applies to:

- 2.1 All employees, contractors, volunteers, and visitors of AIHS in their interactions with students.
- 2.2 Students enrolled at AIHS for which the school is responsible to ensure their safety and wellbeing in all school-related environments (onsite, online, and during off-campus activities)
- 2.3 Parents, guardians, and the wider community, who share a collective responsibility for student protection including reporting to AIHS concerns regarding student welfare or staff conduct.

3.0 Definitions

- 3.1 **Reportable Allegation** – An allegation that an employee has engaged in conduct that may be a reportable conduct.
- 3.2 **Apprehended Violence Order (AVO)** – Is a legal order issued by the Local Court of New South Wales to protect a person from violence, intimidation, harassment, or stalking by another person. AVOs are intended to prevent further threats or harm and ensure the safety of the person in need of protection.
- 3.3 **Child** – The *Child Protection (Offenders Registration) Act 2000*, the *Ombudsman Act 1974*, and the *Child Protection (Working with Children)*

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Act 2012 define a **child** as any person under the age of 18 years while the *Children and Young Persons (Care and Protection) Act 1998* specifically defines a **child** as a person under the age of 16 years.

3.4 Conviction of Reportable Conduct – This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

3.5 Disqualified Person – Includes:

- a person convicted before, on or after the commencement of relevant legislation of an offence specified in Schedule 2 of the Child Protection (Working with Children) Act 2012, if the offence was committed as an adult,
- a person against whom proceedings for any such offence have commenced, if the offence was committed as an adult, pending determination of the proceedings for the offence.

3.6 Mandatory Reporter – Refers to the following:


- a person who, in the course of their professional work or other paid employment, delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- a person in religious ministry, or a person providing religion-based activities to children, and
- a registered psychologist providing a professional service as a psychologist.

Mandatory reporters are required to report suspected child abuse and neglect to government authorities.

3.7 Person Subject of the Allegation (PSOA) – Staff member against who allegation/s has been laid.

3.8 Prohibited Person – A person convicted of a serious sex offence or a registrable person within the meaning of the NSW Child Protection (Offenders Registration) Act 2000.

3.9 Reasonable Grounds – Refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

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

It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.

Concerns must be current - that is, significant harm arising from abuse or neglect is recent or likely in the foreseeable future should circumstances continue unchanged. Current concerns may also arise from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past.

Current concerns also refer to situations where the abuse or neglect of the child or young person occurred sometime in the past but continue to have an impact on the child or young person's safety, welfare or wellbeing.

3.10 Reportable Conduct – Defined in the Children's Guardian Act 2019 as:

- a sexual offence committed against, with or in the presence of a child,
- sexual misconduct with, towards or in the presence of a child,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child,
- behaviour that causes significant emotional or psychological harm to a child,
- any offence under section 43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child.


3.11 Sexual Misconduct – Conduct with, towards or in the presence of a child that is sexual in nature.

It has three categories which include:

- (1) crossing professional boundaries,
- (2) sexually explicit comments and other overtly sexual behaviour, and
- (3) grooming behaviour

The alleged conduct must have been committed against, with or in the presence of a child.

Crossing Professional Boundaries

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

- relationship with
- conduct towards
- focus on

a child or young person, or a group of children or young persons.

Sexually Explicit Comments and Other Overtly Sexual Behaviour

Behaviour involving sexually explicit comments and other overtly sexual behaviour can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching
- sexual exhibitionism
- personal correspondence (including electronic communications such as e-mails and text messages) with a child or young person in relation to the adult's sexual feelings for a child. sexual behaviour including display of pornography
- watching children undress, for example, in change rooms or toilets when supervision is not required or justified.

Grooming Behaviour


The types of behaviour that may lead to such a finding of grooming include (but are not limited to) the following:

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

- spending inappropriate special time with a child
- inappropriately giving gifts
- inappropriately showing special favours to them but not other children
- inappropriately allowing the child to overstep rules
- asking the child to keep this relationship to themselves.

Testing boundaries, for example by:

- undressing in front of a child
- encouraging inappropriate physical contact (even where it is not overtly sexual)
- talking about sex
- accidental intimate touching

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- 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 normal social interactions in the community).
- inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

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 the likelihood that grooming is occurring.

3.12 Sexual Offences – Encompass all criminal offences involving a sexual element that is 'committed against, with or in the presence of a child'.

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

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/ dissemination/ production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children under the age of 16 years for unlawful sexual activity deemed non-consensual sexual activity on the basis of special care relationships.


3.13 At Risk of Significant Harm – A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.

This means the concern is sufficiently serious to warrant a response by a statutory authority (such as NSW Police Force or Community Services) irrespective of a family's consent.

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

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

3.14 Working with Children Check (WWCC) – Involves a national criminal history check and review of findings of workplace misconduct.

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3.15 Reportable Conviction – A conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct, whether or not the conduct occurred in the course of the staff member's employment.

3.16 Assault – An assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them– such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

3.17 Ill-treatment – Conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel.

3.18 Neglect – A significant failure – by a person with parental responsibility for the child, or an authorised carer or an employee if the child is in the employee's care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.


3.19 Behaviour that causes psychological harm – Is a conduct that is obviously or very clearly unreasonable and results in significant emotional 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.

3.20 Direct Contact – Refers to physical contact or face to face contact with under 18 students.

4.0 Responsibilities

4.1 Department of Communities and Justice (DCJ) – The agency in NSW with statutory responsibility for protecting children and young people from risk of significant harm.

4.2 Head of Relevant Entity – The Principal is the Head of Relevant Entity for AIHS and is responsible to respond to all allegations against employees. Notifies reportable allegations and convictions to the Office of the Children's Guardian within **7 business days** of the Principal becoming aware of such allegations. Investigation of allegations or evidence of reportable conduct and conviction must only be carried out by the Principal, whose duties will include informing parents or guardians that a notification has been made.

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The Principal has also a clear obligation under the Children and Young Persons (Care and Protection) Act 1998 to report to DCJ when there are current concerns about the safety, welfare and wellbeing of a student for any of the following reasons:

- the basic physical or psychological needs of the student are not being met (neglect)
- the parents or guardians have not arranged necessary medical care for the student (unwilling or unable to do so)
- the parents or guardians have not arranged for the student to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or guardians' behaviour towards the student causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)

Note: It's not mandatory to make a report if it is an unborn child, or a young person aged 16 to 17.


The Principal is also responsible for ensuring systems are in place for recording and responding to all allegations or convictions against an employee, including matters that are required to be notified to the Office of the Children's Guardian and DCJ.

4.3 Office of the Children's Guardian (OCG) – The OCG is responsible for the employment screening for child related employment in accordance with the Child Protection (Working with Children) Act 2012. The OCG generally oversees the School's investigations into an allegation of reportable conduct against an employee or make a determination regarding reportable convictions, which must include an analysis of the evidence and rationale for the findings or determination.

4.4 Parents, Guardians, and Community Members – Report to the school's designated contacts in [Schedule 1 – Contact Details](#) if they:

- Witness, suspect, or become aware of any staff allegations of reportable conduct or suspicion of reportable conduct against an AIHS under age student (e.g., inappropriate behaviour, abuse of authority, or policy violations).
- Have concerns about a student's safety or wellbeing (including bullying, harassment, or unsafe environment).

4.5 School – In dealing with child protection matters, AIHS's management will liaise with the relevant authorities, as well as seeking advice from the police and the Association of Independent Schools (NSW) (<https://www.aisnsw.edu.au>) as necessary.

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4.6 Staff Member – Reports to the Principal any situation where:

- there has been an allegation of reportable conduct,
- a belief on reasonable grounds that a child is in danger of being subject to reportable conduct or a child is at risk of significant harm.
- It is important to realise that failure to report allegations of reportable conduct or a suspicion of reportable conduct against a child who is under 16 years of age, based on reasonable grounds, is possibly an offence under Section 316 of the NSW Crimes Act.

Teaching staff need also to be aware that under Section 73 of the Crimes Act a Teacher who has sexual intercourse with one of their pupils who is aged between 16 and 18 is liable to imprisonment of up to eight years.

Staff member is responsible to report any allegations or evidence of reportable conduct or convictions only to the Principal for investigation, and discussion with others should be avoided or limited to persons in School's normal reporting line. Failure to limit communication in this way will not only be a breach of this policy but may result in not being protected under the law (Section 29 Children and Young Persons (Care and Protection) Act 1998) from potential civil proceedings for defamation.

The staff member is required to confer with the Principal before responding to a request by DCJ or any other officers to attend an interview with a child (victim). The staff member will not be compelled by DCJ to attend such an interview and the advantages and disadvantages of attendance need to be carefully assessed before a decision is made.


Staff members are obliged to report the students' disclosure of reportable allegations to the Principal as stated above, but must not investigate the matter.

The staff member must submit a detailed report on any matter regarding reportable conduct. The confidentiality of such a report will be maintained unless otherwise required by a Court Order.

4.7 Principal Executive Officer (PEO) – Responds to reportable allegations against the Principal. Notifies reportable allegations and convictions to the Office of the Children's Guardian within **7 business days** of the PEO becoming aware of such allegations or convictions. Investigation of allegations or evidence of reportable conduct and conviction against the Principal must only be carried out by the PEO, whose duties will include informing parents or guardians that a notification has been made.

5.0 Procedure

5.1 Working with Children Check

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- 5.1.1** The intending employee provides their WWCC clearance number to the Principal for verification and record keeping before the commencement of child-related employment in the School.

Notes:

- The Principal maintains the WWCC register.
- Current employees are required to renew their WWCC before expiry date and advise the Principal once renewed.

- 5.1.2** If any current or intending employee identifies as a 'prohibited person', the Principal takes immediate appropriate action to ensure that the employee does not remain in child-related employment in the School.

- 5.1.3** The staff member, who is in child-related employment becomes a prohibited person during the course of their employment after they have been cleared to work with children, notifies the School of this change immediately and the action in clause 5.1.2 will be implemented.

- 5.1.4** The Principal conducts a training session for the staff members who have direct contact with under 18 students of their legal responsibilities related to child protection and other relevant School expectations upon induction to the School and every year thereafter. A copy of this policy and procedure is provided to staff.

- 5.1.5** The Principal informs relevant staff of the requirements of this policy and procedure.

5.2 Student at Risk of Significant Harm


- 5.2.1** Teacher or staff member reasonably suspects a risk of significant harm to students.

- 5.2.2** Teacher or staff member notifies the Principal.

- 5.2.3** The Principal uses the [Mandatory Reporter Guide](#) (MRG) to assess whether their concerns meet the threshold of risk of significant harm and determines action to be taken to protect the student from risk of harm while they are in the School's care.

- 5.2.4** If there is an immediate danger to the student and/or MRG advises risk of significant harm, the Principal contacts the Police and/or the Child Protection Helpline of DCJ directly.

The Principal may contact the Child Protection Helpline in one of two ways:

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- Phone 132 111 (TTY 1800 212 936) if the suspected risk of significant harm is imminent or high.
- Send an [eReport](#) if there is suspected risk of significant harm that is not imminent or high. eReports should contain details about concerns and about actions already taken.

5.2.5 The Principal keeps a copy of any reports made to the Child Protection Helpline and/or Police, and any related documentation, including the MRG outcome report and written records of actions taken in following up the concerns.

5.3 Reportable Conduct or Conviction Against an Employee

AIHS takes all allegations of staff misconduct and reportable conduct seriously. We are committed to protecting the safety and wellbeing of our students, and any concerns involving staff are handled sensitively, promptly, and in accordance with NSW legislation.

5.3.1 How to Report a Concern

Anyone, including a student, parent, guardian, visitor, staff member, or any member of the wider school community, can report concerns about staff misconduct, reportable conduct, or a reportable conviction.

- If the concern is about **any staff member**, report it to the **Principal**.
- If the concern is about the **Principal**, report it to the **PEO**.

Please refer to [Schedule 1 – Contact Details](#) for how to make a report.

5.3.2 Initial Action by the Principal or the PEO

Within 4 business days of receiving a report, the Principal or the PEO will:


- Interview the person who made the report and any relevant witnesses
- Gather any available information or evidence
- Conduct an initial risk assessment and determine if immediate action is required to protect the student or other children

Risk assessment is conducted to mitigate risks to:

- The child(ren) involved,
- Other children in contact with the accused employee,
- The accused employee (PSOA),
- The School, and
- The integrity of the investigation.

The risk assessment will consider:

- The severity and nature of the allegation.

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- The vulnerability of affected children.
- The PSOA's role (e.g., level of student contact, supervision availability).
- The PSOA's disciplinary history.
- Potential impacts on the investigation.

If there is an immediate risk of harm to a student, steps will be taken to:

- Prevent any further contact between the student and the staff member involved
- Secure any necessary evidence
- Consider contacting the NSW Police if a criminal offence may have occurred

Other interim measures may include:

- Temporarily adjusting duties.
- Restricting student contact.
- Suspending the employee (without presumption of guilt).

If the matter is criminal, the Police is notified first. The school will not begin an internal investigation until the Police confirm they are not conducting their own inquiries.

5.3.3 Informing the PSOA

The Principal or the PEO will issue a letter of allegation to the staff member within 5 business days. This letter includes:

- A summary of the allegation
- Details of any immediate action taken
- An invitation to meet and respond to the allegation


The PSOA does not have an automatic right to:

- Know the identity of the person who made the allegation, or
- Access investigation materials (e.g., OCG notification forms, witness statements) that could reveal confidential details provided by others.

5.3.4 Reporting to the OCG

The Principal or the PEO will notify the OCG within 7 business days of becoming aware of the allegation. This report includes:

- Date the report was received
- Type of conduct alleged
- Staff member's name
- Contact details for AIHS and its leadership
- Whether the Police or Department of Communities and Justice (DCJ) have been notified
- Summary of the risk assessment and any action taken

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- Any other relevant details

The Principal or the PEO may contact the OCG for advice by visiting their website. See **Schedule 1** for details.

5.3.5 Investigation and Findings

- The PSOA is interviewed and given a chance to respond to the allegation.
- The Principal or the PEO reviews all evidence and makes a preliminary finding, following the guidelines provided by the OCG.
- The PSOA is notified of this preliminary finding and given 10 working days to respond.
- After reviewing the response, a final finding is made, and any disciplinary actions are decided.

5.3.6 Final Report to the OCG

Within **30 calendar days** of becoming aware of the allegation, the Principal or PEO must send either:

- A finalised report with outcomes and actions taken, or
- An interim report with reasons for the delay and an estimated timeframe for completion. The interim report must include:
 - Summary of the known facts
 - Actions taken to date
 - Planned next steps or reasons for no further action
 - Justification for all decisions

If required, the Principal or the PEO will also notify the DCJ by calling the Child Protection Helpline. See *Schedule 1* for contact details.

5.3.7 Communicating with Students and Families

Unless it is against the public interest, the Principal or PEO will keep the student and their parent/guardian informed about:


- The progress of the investigation
- The outcome of the findings
- Any action the school is taking as a result

5.4 Disciplinary Action

If allegations are substantiated, AIHS may take disciplinary action, including termination.

For procedural fairness, the PSOA will be:

- Informed in writing of proposed disciplinary action.

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- Given a reasonable opportunity to respond before a final decision.

5.5 Confidentiality

AIHS manages confidentiality in accordance with the following guidelines:

- Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Principal or the PEO.
- No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal or the PEO to do so.

If staff members or parents/guardians become aware of a breach of confidentiality in relation to a reportable conduct allegation, they must advise the Principal/PEO.

5.6 Prevention

AIHS is constantly looking to implement measures and strategies that are aimed at preventing reportable conduct and other harm coming to children in its care. These measures and strategies include:

- developing and reviewing strategies to minimise reportable conduct occurring,
- ensuring regular review of the Student Protection policy and procedure,
- adopting the Code of Conduct that assists staff in understanding appropriate and inappropriate behaviour,
- annual training session,
- identifying people who are not suitable to work with children through implementing thorough employment procedures including children check, reference checking, pre-employment screening and detailed questioning at interviews.

5.7 Documentation and Record Keeping


5.7.1 Confidentiality & Security

All documents related to reportable conduct allegations (including unsubstantiated claims) are maintained under strict confidentiality. Records are stored securely with access restricted to the Principal/PEO and authorised personnel on a need-to-know basis.

5.7.2 Comprehensive Documentation

The School maintains complete records encompassing all aspects of reportable conduct matters, including but not limited to: allegation details, investigation processes, risk assessments, communications, decisions made, and final outcomes. Documentation captures verbatim accounts where possible, with all records being verified, dated, and signed by relevant parties to ensure accuracy and accountability.

5.7.3 Retention & Access

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- OCG-notified cases: Retained indefinitely in a secure, separate location from employee files
- General cases: Retained in accordance with statutory requirements
- Access control: Limited to persons with legal obligations or legitimate investigative needs

5.7.4 Student Handbook Availability


The Student Handbook, containing reporting procedures for staff misconduct is distributed via email to students/parents before course commencement and is also accessible on the School website: www.academies.edu.au

6.0 References

- 6.1** AIHS Complaints and Appeals Policy and
- 6.2** Children and Young Persons (Care and Protection) Act 1998
- 6.3** Mandatory Reporter Guide
- 6.4** NSW Reportable Conduct Scheme Fact Sheets
- 6.5** Procedure Children's Guardian Act 2019

7.0 Appendices

- 7.1** AIHS Code of Conduct
- 7.2** OCG 7-day Notification Form
- 7.3** OCG Entity Report Form
- 7.4** OCG 30-day Interim Report Form

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Schedule 1: Contact Details

This schedule is maintained separately from the policy body to ensure contact information remains current. Please contact Student Services for the most up-to-date version if needed.

Report	Primary Contact	Submission Methods
Internal Reporting Contacts		
Staff misconduct or reportable conduct	School Principal Edward Ly	<ul style="list-style-type: none"> - Email: e.ly@academies.edu.au - Phone: +61 2 9224 5500 (via Student Services) - In person: By appointment through Student Services (studentservices@academies.edu.au)
Complaints involving the School Principal	Principal Executive Officer (PEO) Gabriela Rodriguez	<ul style="list-style-type: none"> - Email: info@academies.edu.au - Request contact via Student Services (studentservices@academies.edu.au)
External Support Services		
Child Protection Helpline		<ul style="list-style-type: none"> - Website: https://dcj.nsw.gov.au - Phone: 13 21 11
OCG		<ul style="list-style-type: none"> - Website: Reportable Conduct Scheme - Phone: 13 21 11