

THE PRESBYTERIAN AND METHODIST SCHOOLS ASSOCIATION

1. FAIRNESS AND EQUITY

01 POLICY TITLE: ABUSE POLICY

PREFACE

PMSA is the governing body of Brisbane Boys College, Clayfield College and Somerville House schools in Brisbane and Sunshine Coast Grammar School on the Sunshine Coast.

PMSA believes that schools must be places where positive Christian values and commitment to the safety and well-being of members of the school community are evident. This should arise from the understanding that all people, being made in God's image, are entitled to a fundamental respect for their person.

Children are particularly vulnerable to harm. God's people must be particularly mindful of the interests of children and strive to protect them from harm.

This policy has been prepared to provide a basis on which PMSA can take action to prevent Abuse occurring and respond to any allegations that Abuse has occurred.

Each school will deal with allegations of Abuse relating to students who are at the school at the time the allegations are made. PMSA will deal with all allegations relating to past students.

The schools will deal with allegations of Abuse involving only adults.

PRINCIPLES

1. The care and protection of the children in our schools is of paramount importance.
2. We will strive to make our schools places of safety from Abuse for children. Children should be, and feel, safe from any threat of Abuse, both while on school property and also while in the care of school personnel outside the school environment.
3. Our schools should be places where Abuse can be disclosed and dealt with effectively.
4. We acknowledge and accept that a high level of trust is placed in us by our students, their families, and the wider community. Accordingly, we will not tolerate any acts of Abuse towards children and will actively seek to prevent their occurrence.
5. Where an incident of Abuse to a current student is reported to us, we will notify the State authorities in accordance with our statutory obligation to do so.
6. Where an incident of Sexual Abuse by an adult of a Child is reported, we will notify the police no matter when the incident occurred. The only exception to this is where the alleged perpetrator is dead at the time of the report.
7. We commit ourselves to ensuring that all our actions are morally upright and that those who work in our schools agree with and adhere to our policies.
8. We will treat allegations of Abuse seriously, sensitively and confidentially subject only to such disclosure as is necessary to deal with the matter under this policy and as required by law.
9. We will strive to ensure that proper standards of conduct are maintained in our schools at all times and we will take corrective action where necessary. Our Staff should behave in a manner which makes it clear to the children and others that the Staff are responsible adults. There should be demonstrated a clear delineation of boundaries between the role of authority and personal needs.

10. We will require students, parents and others to report any abusive behaviour of which they become aware.
11. Whilst PMSA encourages to come forward people from the past who allege that they are victims of abuse, PMSA will not actively seek out those people because PMSA is aware that only those people themselves know if and when they are ready to deal with their experiences, and to encourage them to do so earlier could result in more damage to them than benefit.
12. We will set an example by our own behaviour.
13. We will publish our policies and ensure that all Staff are aware of the standard of conduct expected of them.
14. We will treat everybody involved in an allegation of Abuse, including the alleged perpetrator, with dignity and respect. We will observe the principles of natural justice.
15. We understand that people who are subjected to Abuse are harmed by it.
16. Sexual behaviour by Staff with a Child in our care is always Sexual Abuse.

PMSA/SCHOOLS POLICY RELATIONSHIP

1. Each school will deal with allegations of Abuse relating to students who are at the school at the time the allegations are made, according to the following guidelines:
 - (a) Each school must have a policy for protection of its students from Abuse. The policy will be called a "child protection policy".
 - (b) The policy for each school must be approved by PMSA and must comply with the principles expressed in this policy and also with statutory requirements.
 - (c) Each school will comply with any direction of PMSA relating to the school's child protection policy and its administration.
 - (d) The School will inform the PMSA Abuse Reference Committee of allegations, upon receipt of them, and will regularly keep the Committee informed of how they are being dealt with.
2. Following a determination made under a school's child protection policy, either of the parties or their representatives may request a review by the PMSA's Abuse Reference Committee if the party believes that the decision was unreasonable in the circumstances.
3. PMSA will deal with allegations of Sexual Abuse (and allegations of other Abuse that is connected with the Sexual Abuse) relating to victims who are adults at the time the allegations are made.

PMSA PROCEDURES

The order in which these procedures are carried out will depend on the individual situation.

1. Application

These PMSA procedures apply only to allegations relating to victims who are not students of the school at the time the allegation is made, unless this policy expressly provides otherwise.

2. Receiving complaints

Anybody who receives information about Abuse or who observes behaviour which indicates Abuse must inform the Chair of the PMSA Abuse Reference Committee or the principal or deputy principal or Head of Sub-School of the school involved.

Note: Under s 191 of the Public Health Act 2005, doctors and registered nurses, including school nurses, have an obligation to give notice of harm or likely harm immediately to the Chief Executive, Department of Child Safety, if:

- (a) they become aware, or reasonably suspect, during the practice of their profession, that a child has been, is being, or is likely to be, harmed; and
- (b) as far as they are aware, no other doctor or nurse has notified the Chief Executive under the section about the harm or likely harm.

This notice can be given orally, by fax, by e-mail or by similar means and must then be followed up with written notice within seven days. The notice must include:

- the child's name;
- the child's date of birth;
- the place or places where the child lives;
- the names of the child's parents;
- the place or places where the parents live or may be contacted;
- details of the harm or likely harm of which the professional is aware or that the doctor or nurse suspects; and
- the doctor or nurse's name, address and telephone number.

The doctor or nurse may seek further information about harm or likely harm to a child before forming a reasonable suspicion about the matter; for example, by consulting with a colleague.

A school may require a doctor or nurse employed by the school to provide to the school information about abuse obtained in the course of their work as an employee.

A person who becomes aware of the identity of a person who has notified authorities about harm must not disclose the identity of that person except in the circumstances set out in s 186(2) of the Child Protection Act 1999.

3. Initial Support for Victim

Initial support for the victim will be two-fold:

- Pastoral Care:** Chair of the Abuse Reference Committee will offer to provide Pastoral Care to the victim. If the offer is accepted, the Chair will arrange for the Pastoral Care to be provided.
- Professional Counselling:** If the Chair of the Abuse Reference Committee considers that it is warranted under the circumstances, professional counselling will be offered and arranged accordingly. The Chair of the Abuse Reference Committee should not offer counselling if the Chair knows that the allegations are untrue or does not have a reasonable suspicion that the allegations are true.

4. Initial Support for Accused

The Chair of the Abuse Reference Committee will inform the alleged perpetrator about the allegations, following which the initial process will be two-fold:

- Pastoral Care: The Chair will offer Pastoral Care to the accused while the matter is dealt with under this policy.
- Suspension of Involvement in School Activity: If the Chair of the Abuse Reference Committee considers, after preliminary assessment, that the allegation is uncertain and that an unacceptable risk exists whilst the matter remains unresolved, the alleged perpetrator will be suspended from further involvement in school activity. If employed, the person will be stood down on full pay.

5 Media

The Chair of PMSA will deal with media issues as spokesperson for PMSA.

The Chair will inform the principal of the relevant school of the initial allegation and steps taken under this policy to deal with it so that the principal is in a knowledgeable position to deal with the media as spokesperson for the school.

6 Preliminary Assessment Of Complaint

The Chair of the Abuse Reference Committee will obtain further details of the complaint if that is necessary and if it is appropriate in the circumstances.

The Chair of the Abuse Reference Committee will put the details of the complaint to the accused and ask if the accused wishes to respond.

If the complaint is of Paedophilia and the Chair believes that the events might have occurred, the Chair will refer the matter to the police.

If the reference to the police does not result in a criminal conviction or if no reference is made to the police, the Chair of the Abuse Reference Committee will provide professional counselling to the accused.

7 Discipline

If the investigation concludes that the allegations or some of the allegations are true on the balance of probabilities, the Chair of the Abuse Reference Committee will require the school at which the accused works to carry out disciplinary proceedings in accordance with the law, including the principles of natural justice.

8 Redress

If an allegation investigated under either a school policy or this policy is shown on the balance of probabilities to be true the Chair of the Abuse Reference Committee will determine if redress other than discipline of the offender is claimed or required.

If redress is claimed by the victim or if the Chair determines that redress is required, the Chair will refer the matter to the Abuse Reference Committee to determine the nature of redress to be given. Redress can include any act by PMSA. Some possible forms of redress are:-

- acknowledgment;
- apology;
- compensation;
- correction of the record;
- paying for self-improvement courses.

INSURER

The Chair of the Abuse Reference Committee will inform the insurer of any claim or likely claim against PMSA as soon as the Chair is informed of it. The relevant insurer will be the insurer who has issued a policy for the period when the Abuse is alleged to have occurred. Details of any claims will have to be given to prospective insurers when current insurance is to be effected.

The Chair will keep the insurer informed of the progress of the response to the allegation.

If the insurer elects to conduct the defence of a claim on behalf of PMSA, PMSA and the schools will work with the insurers in respect of each aspect of the procedure under this policy.

PREVENTION

The Chair of the Abuse Reference Committee will audit the conduct of the child protection policy of each school at least annually.

The Chair of the Abuse Reference Committee will require an assurance from each school at least annually that all of its employees and volunteers who are required by the *Commission for Children and Young People and Child Guardian Act 2000* to have a positive prescribed notice, do have the notice.

NATURAL JUSTICE

As the consequences of a decision for any individual become more severe, so the importance of demonstrably acting fairly increases.

The two fundamental principles of natural justice are:-

- that those making a decision are not biased;
- nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

If the investigation concludes that the allegations are untrue, the Chair will assist the alleged perpetrator to restore their reputation.

If the Chair decides to carry out further investigations, the Chair may appoint an independent person to investigate the allegations on behalf of the committee and to report their findings to the committee.

CONFIDENTIALITY

Confidentiality is not secrecy but is an assurance that written and spoken information is protected from being shared with unauthorised persons, or used for a purpose other than that for which it was collected.

Confidentiality is of utmost importance in dealing with an allegation of Abuse. It is not to keep the incident secret, but is to ensure that only those people "who need to know" know. Confidentiality protects the rights and interests of ALL parties. Due consideration needs to be given by all Staff managers to matters of confidentiality in both service delivery and in responding to a complaint.

LEGISLATION

In responding to a complaint of Abuse, PMSA should try to ensure that it does not interfere with due legal process. This includes ensuring that any investigation does not interfere with criminal investigations. Similarly, PMSA has a right to ensure that it is able to investigate fully matters which affect its staff or those individuals within its care. It is therefore important to take into consideration the Criminal Codes, State Care and Protection Legislation and anti-discrimination legislation in dealing with an allegation of Abuse. Advice on such requirements can be sought from statutory bodies, police or legal advisers.

LEGAL REPRESENTATION

This policy does not prescribe a formal legal process. Neither the complainant nor the respondent may have legal representation during the investigation or determination process without the written consent of the principal.

RECORDS

PMSA and the relevant school will keep full documentation about each allegation in a confidential file.

PASTORAL STRATEGY

Upon a school receiving an allegation of Abuse, the school will establish a Pastoral Strategy. The purpose of the Pastoral Strategy is to plan for the care, confidentiality and management of the complaints process and the impact upon the school/community.

A Pastoral Strategy should be developed within two weeks of receipt of the allegation.

The Pastoral Strategy will address, but is not limited to:-

- issues of confidentiality, as related to natural justice;
- what members of the school community are told and when;
- issues of safety for the complainant, respondent, other Staff and consumers of the school;
- education required relating to the matter within the school – eg. boundaries, protective behaviours etc;
- strategy for Pastoral Care, healing, and counselling within the school;
- strategy for Pastoral Care of the individuals affected, i.e. complainant, respondent, their family members and friends;
- critical incident response if a number of people are involved;
- legal advice;
- consultation required with PMSA;
- management of Staff during the investigation;
- overall management strategy;
- appropriate records to be kept.

REVIEW OF A COMPLAINT

A Complainant or Respondent may appeal against a decision of the Abuse Reference Committee within 14 days of being notified of its decision. An appeal may be made on any of the following grounds:

- (a) that the Committee was in error in deciding that the complaint does/does not relate to Abuse as defined in this policy;
- (b) that the basis of the initial complaint was not sufficient to warrant investigation;
- (c) that there has been a breach of natural justice.

The PMSA will appoint a committee of three persons to hear the appeal. When dealing with an appeal on grounds (a) and (b) the appellate committee may dismiss the appeal or remit the complaint to the Abuse Reference Committee for reconsideration. When dealing with an appeal on ground (c) the appellate committee may dismiss the appeal or recommend that the Abuse Reference Committee rehear the complaint.

DEFINITIONS

"Abuse" means activity or deliberate or careless inactivity which causes significant harm to a person's physical, psychological or emotional wellbeing. The harm can be caused by:-

- physical, psychological or emotional Abuse;
- Sexual Abuse or exploitation.

"Abuse Reference Committee" is a committee established by PMSA to deal with Abuse matters.

"Chair" includes a person acting as Chair.

"Child" means a person under 18 years of age.

"Paedophilia" is Sexual Abuse by an adult of a Child.

"Pastoral Care" is emotional support from a person who does not necessarily hold academic qualification required for professional counselling.

"PMSA" is The Presbyterian and Methodist Schools Association.

"Sexual Abuse" means:-

- any actions with a person younger than 18 for the sexual gratification of the perpetrator;
- any acts with an adult for the sexual gratification of the perpetrator where the perpetrator is in a position of authority over the adult.

"Staff" includes employees (for example traders, administration people and ground staff) and volunteers (for example, sports coaches).

This policy is to be made available to students and parents of our schools via school newsletters, school notice boards, the student diary, parent manuals, the school website and the PMSA website. The attention of all staff should be drawn to this policy on the first staff Professional Development Day of each school year and to all new staff at the time of their appointment. It is to be set out in the Staff Handbook.

Amendments adopted by PMSA 31 May 2004.

Further amended by PMSA 20 May 2005.

Further amended by PMSA 11 November 2005

Further amended by PMSA 2 February 2007