Where language and culture come together

COMMUNITY LANGUAGES AUSTRALIA

Student Welfare Policies and Procedures Manual for Community Languages Schools.

July 2013

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Background

Community Languages Australia CLA also known as the Australian Federation of Ethnic Schools Associations (AFESA) is an umbrella body designed to unite the ethnic schools of Australia, and the state-based bodies which serve as their administrators. A key task for CLA is to consolidate these organisations under a single, organizational banner, and in the process carry out a number of crucial roles in the creation, maintenance, and profile of Australia's, over 1,000 community language schools. One of the major activities for CLA is National Coordination and Quality Assurance of all community language schools.

Community language schools play an important role in facilitating languages and culture education across all Australian States and Territories to an excess of 110,000 school age children. They offer major advantages for communities, in particular families, who are keen to maintain the language and culture of their heritage. They are a complementary provider for the teaching and learning of languages which would otherwise be unavailable, as it is not possible to offer over seventy languages through one system.

Some members deliver VCE courses and have VCAA accreditation .

The VRQA has set minimum standards to be met by those delivering these courses.

AFESA has responsibility to ensure minimum standards for the conduct of schools is maintained. Schools must comply with the minimum standards.

This Manual is for the use of school authorities to ensure there is compliance in relation to student and staff welfare. Whilst the Manual provides general information and advice it is the responsibility of each school to familiarise their leadership, staff and community with its contents.

There are parts of this manual that refer to specific issues relating to the school's specific situation or location e.g.) evacuation plans.

 It is the school authority's responsibility to ensure these are met.

School Authority's are responsible for ensuring they are referring to relevant, current Act or Regulations

If you require further information please contact Stefan Romaniw, Executive Director, Community Languages Australia on 0419 531 255 or afesa@netsol.net.au

1.0 Working with Children

In recognition of its obligation to provide a safe environment for children, CLA instructors are required to have a valid Working with Children (WWC) Check in compliance with the *Working with Children Act 2005*.

In section 2 of the Act it is stated that the **purpose** of the Act is:

- To assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for them, have their suitability to do so checked by a government body.
- To establish a process for assisting in determining whether a person is suitable to work in child-related work.
- Nothing in this Act takes away from, or removes the need to comply with, any requirement imposed by or under any other Act with respect to child-related work.

The Working with Children (WWC) Check is a legal requirement for most people engaged in **child-related work**.

Every person who wishes to undertake child-related work must first pass a WWC Check, unless exempt. Once you have passed the WWC Check, you will receive a card and can participate in child-related work for 5 years. Your criminal history continues to be monitored during this time. Your card can be suspended or revoked if any new charges or disciplinary findings are made against you.

Victorian Government Working with Children Check website:
http://www.workingwithchildren.vic.gov.au/home/about+the+check/purpose/working+with+children+act/

1.1 Definitions (section 3)

All instructors working at community languages schools must have a valid Working with Children Check. Community languages schools are required to adhere to this Act as they are deemed as being:

Educational institutions- an education and training organisation registered on the State Register under the **Education and Training Reform Act 2006-** to the extent that the college, university, provider, institution or organisation provides a program of study or training primarily for, or directed at, children and that leads to the award of a Senior Secondary Certificate of Education that is recognised by the AQF within the meaning of the **Education and Training Reform Act 2006.**

Child- a person under 18 years of age

Direct contact- any contact between a child and an adult that involves:

(a) Physical contact; or
(b) Face to face oral communication; or
(c) Physically being within eyeshot

Working with Children Act 2005:
http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/8f876779761031fbca25707b00249985/$FILE/05-057a.pdf

1.2 Duty of Care

The purpose of this policy is to explain the nature of the legal duties owed by teachers and school staff towards students. In a legal context, 'duty of care' is an element of the tort of negligence.

Schools must ensure that they exercise the same level of care and supervision that a parent would. Therefore teachers must:

- Maintain constant supervision of the students in their charge
- Not send students to deliver messages beyond the school grounds
- Take immediate action in any situation where there is a threat to the welfare or safety of a student
- Attend their allocated yard duty time
- Ensure that no student leaves the school premises without written parental permission
- Ensure that a safe and appropriate working environment is created and maintained in the classroom
- Ensure visitors register is signed by people entering the school premises.

For more information on this policy:
http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx

2.0 Occupational Health and Safety

CLA is committed to providing a safe and positive working environment for its staff acknowledging that staff well-being is a major factor in enabling them to perform their duties to the best of their ability.

Consistent with the requirements of the *Occupational Health and Safety Act, 2004*, CLA, as an employer has an obligation to provide safe working conditions and work practices.

These include:

- provide or maintain equipment and systems of work that are safe and without risks to health;
- make arrangements for ensuring the safe use, handling, storage and transport of equipment and substances;
- provide information, instruction, training and supervision necessary to ensure the health and safety at work of instructors;
- maintain places of work under their control in a safe condition and provide and maintain safe entrances and exits;
- make available adequate information about research and relevant tests of substances used at the place of work.

2.1 Act objectives

The objectives of this Act are (section 2)-

(a) to secure the health, safety and welfare of instructors and other persons at work; and
(b) to eliminate at the source, risks to the health, safety or welfare of instructors and others persons at work; and
(c) to ensure that the health and safety of members of the public is not placed at risk by the conduct of undertakings of employers and self-employed persons; and

(d) to provide for the involvement of instructors, employers and organisations representing those persons, in the formulation and implementation of health, safety and welfare standards-

2.2 Principles of health and safety protection (Section 4 Occupational Health and safety 2004)

Section 4 of the Act affirms the following principles of health and safety protection:

1. The importance of health and safety requires that instructors, other persons at work and members of the public be given the highest level of protection against risk to their health and safety that is reasonably predictable in the circumstances.
2. Persons who control or manage that give rise or may give rise to health or safety are responsible for eliminating or reducing those risks so far as is reasonably predictable.
3. Employers and self employers persons should proactive, and take all practicable measures, to ensure health and safety at workplaces and in the conduct of undertakings.
4. Employers and instructors should exchange information and ideas about risks to health and safety and measures that can be taken to eliminate or reduce those risks.
5. Instructors are entitled, and should be encouraged, to be represented in relation to health and safety issues.

2.3 Health and Safety Policy

Overview

CLA recognises its responsibilities under the *Occupational Health and safety Act 2004* to provide a healthy safe work environment for staff members, volunteers, clients and other visitors. To achieve this policy, management will make every reasonable effort in the areas of accident prevention, hazard control and removal, injury protection, health preservation and promotion. Those aspects of working conditions will be given top priority in its plans, procedures, programs, job instructions, training, and supervision to ensure that staff and volunteers are aware of safe work practices.

2.4 Policy

Health and safety at work is both an individual and shared responsibility of all instructors. The following areas of responsibility are essential to the success of the policy:

Management is required to actively pursue the goals set out in the first paragraph of this policy through the following approaches:

(a) devising and administering a comprehensive safety and health program;
(b) holding regular meetings to discuss health and safety performances; and
(c) taking effective action to provide and maintain safe and healthy working conditions for all instructors.

The legislation places obligation on instructors to take care of their own health and safety, and health and safety of other persons who may be affected by their acts or omissions at the workplace. It also provides for involvement of instructors in dealing with health and safety issues. Therefore, all staff are expected to practice safe working habits, reporting unsafe working conditions and equipment, take care of others, cooperate with CLA in meeting the requirements of the *Occupational Health and Safety Act* and immediately report any hazards or faulty equipment.

2.5 Maintenance of a Safe and Healthy Workplace

CLA is obliged as far as is practicable:

- To monitor the health of instructors;
- To maintain information and records relating to the health and safety of instructors;
- To monitor workplace conditions;
- To engage outside specialist advice when it is required;
- To provide occupational health and safety information to instructors, including the name of persons to whom an instructor may make an enquiry or complaint in relation to health and safety.

CLA has the following key responsibilities:

- Assessment of work-related medical conditions, and investigation of all matters relating to occupational health and safety in the office;
- Provision of advice and supervision of all aspects relating to the maintenance of a safe working environment, safety training, hazard monitoring of the workplace and investigation of serious or recurring accidents;
- Provision of advice to instructors on Workcover entitlements, administration of Workcover claims, liaison with the Victorian Workcover Authority, and preparation of responses to the conciliators, Administrative Appeals Tribunal, Medical Panel or County Court;
- Implementation of rehabilitation programs for injured instructors, supervision of return-to-work programs and liaison with rehabilitation providers;
- Development and implementation of occupational health and safety training programs.

2.6 Health and Safety Representatives

Elected health and safety representatives have specific functions and powers defined by the Occupational Health and Safety Act. Health and safety representatives may:
- Inspect any part of the workplace giving reasonable notice to the employer or the employer's representative; and
- Immediately in the event of any accident or immediate risk to the health and safety of any person;
- Accompany any inspector during an inspection of the workplace;
- With the consent of the staff member, be present at any interview between a staff member and an inspector concerning health and safety;

2.7 Reporting of Accidents and Hazards

Overview
It is important to recognise the need for reporting, investigating and analysing all injures accidents and potential hazards. Therefore, all accidents and occupational illnesses must be reported promptly to the manager.

It is a legal requirement under *Occupational Health & Safety* legislation and an insurance requirement to report all work injuries. However it should be recognised that good reporting also leads to effective prevention.

2.8 Definitions

Accident can be defined as an unplanned event, which may cause injury and/or damage to property or equipment, or has the potential to cause injury or damage.

Work injury means any injury, occupational disease or disability, which arises out any school activity that requires first aid or medical treatment.

Hazard means any event, obstruction, or matter, which can cause injury or an accident.

2.9 Reporting Accidents

All accidents and occupational illnesses must be reported promptly to the Principal

A reporting form should be made available which should be completed either by person suffering the injury or illness or someone acting on his or her behalf. Prompt reporting is also necessary in the event of a claim being made under Workcover.

To fulfil legal requirements and to facilitate accident prevention, any accident, serious injury or major illness must be reported immediately by manager. Other injures or occupational illnesses should be reported within 24 hours. Accidents not causing injury shall also be reported.

It is important to provide as much detail as possible, including name , date of accident/incident and place of incident. It is most important to use specific and identifiable room or locations (for example do not use terms such as 'my office' or 'hurt right finger'), or for injures describe the condition suffered (in example, 'cut right finger').

2.10 Investigation of Accident

It is important the need be recognised for the reporting, investigation and analyses of all injures, accidents and potential hazards. The main purpose of this procedure is to prevent a similar accident or injury from re-occurring. Therefore the purpose of this procedure is to gather all-important facts and set in motion any needed action required.

All accidents should be investigated. However, the level of investigation will vary. For example, minor incidents such as scratch on the skin requiring a band-aid, would need a simple investigation. No injury however small should be ignored simply because it is of a minor nature.

For more serious accidents causing injury or having potential to cause injury, the following procedure may be considered:

First aid should be given as soon as possible to an injured person. If the person is seriously injured or ill, medical help must be obtained as soon as possible.

Secure the location of accident until an investigation is completed. In the case of injury, it can start whilst the injured person is receiving treatment or as soon as possible. Keep evidence, such as collecting samples of broken equipment. Interview the injured person as well as people who might have witnessed the accident happen.

The accident investigation should be completed within 24 hours, whilst still fresh in the mind. In exceptional circumstances completion within 48 hours is acceptable.

2.11 *WorkCover* information for all instructors

What is WorkCover?
WorkCover is Victoria's injured workers' Compensation Scheme.

WorkCover acts in three spheres:

Prevention: It aims to increase awareness of occupational health and safety in providing policies and standards in order to prevent injury in the workplace, because work must always be done safely, with safe equipment, in safe and healthy workplaces.

Compensation: Compensates workers who are injured at work.

Rehabilitation: Helps injured workers to return to work.

2.12 A Brief Guide to Compensation

Compensation
The purpose of compensation is to provide proper compensation to an instructor who has suffered a work related injury or illness at work or as a result of their employment.

Who Is An Instructor?
An instructor is any person who receives payment for providing the service. This would normally include all full time, part time and casual staff. A voluntary worker who does not receive any payment for the services he or she provides is not eligible for the compensation under WorkCover compensation laws.

What Is A Compensatable Injury?
A compensatable injury is any injury, which occurs at work or in the course of your employment. Therefore, employment must be a significant contributing factor to development of the injury.

What do you do if you are injured?
If an instructor suffers a work-related injury or illness, he or she must report it to the employer in writing within 30 days of becoming aware of that. If an instructor did not report the injury, he or she might not be entitled to make a compensation claim.

What types of WorkCover claims are there and how can they be lodged?
Claim forms are available from any Post Office or the WorkCover Office. Claims fall into five categories as follows:

1. Claims for weekly compensation can be made by completing a weekly compensation claim form and providing a WorkCover medical certificate signed by treating doctor. The claim form and medical certificate must be sent to the WorkCover Officer.
2. Claims lodged by dependants of a deceased worker must be submitted on the prescribed form and returned to the WorkCover Officer with a death certificate.
3. Claims for permanent disability must be also lodged on a prescribed form.
4. Claims for medical services are made only if no time has been lost from work.
5. Claims for Common Law damages are allowed if the employer can be proven negligent, and if these negligent actions caused harm to instructor.

Each type of above claims is governed by various procedures, which are prescribed, by *the Accident Compensation Act 2004*.

The claim process can be quicker and simpler if an injured instructor attends the WorkCover Office to complete the relevant form. If the injured instructor is not able to attend due to injury or hospitalisation, CLA can help sending a staff member to help the instructor.

What happens when a valid claim is lodged?
A decision as to whether the claim is accepted or rejected must be made within 28 days of the claim being received by the WorkCover Officer. If the claim is accepted, the instructor will receive a letter notifying him or her of his or her rights, duties and entitlements. However, the instructor must continue to give the employer valid medical certificates for as long as he or she is unable to work and require weekly benefits.

Medical examinations
It is not unusual for a medical examination to be arranged for an injured instructor. He or she will be asked to attend an appointment with a medical practitioner who specialises in the type of injury that the instructor has.

Offer of suitable employment
If the instructor is away from work for same time as a result of a work related injury, CLA must hold open that job or one similar in nature for a period of 12 months. However, WorkCover benefits may be stopped if the instructor refuses to participate in rehabilitation services or return to work plan.

2.13 Rehabilitation Policy
CLA is committed to preventing illness and injuries at the workplace by providing a safe and healthy working environment for all staff. It is recognised that injury or illness may still occur and therefore all incidents will be reviewed and steps will be taken to prevent recurrence.

CLA believes that occupational rehabilitation is of benefit to everyone and should commence as soon as possible following injury or illness. Furthermore, no person being rehabilitated will suffer financial loss or prejudice in any way.

Rehabilitation is defined as the restoration of injured instructors from occupational ill-health to the fullest physical, mental, social, vocational and economic usefulness of which they are capable. It incorporates a multidisciplinary range of skills in addition to the medical management of an injury. Rehabilitation begins at the moment of injury or ill-health and continues until the instructor is fully rehabilitated as possible.

School authorities under the law should help injured instructors' recover and return to work.

The return to work process has three elements:

• a risk management program
• an occupational rehabilitation program
• individual return to work plans for injured workers.

2.14 Smoke Free Workplace Policy
In recognition of its obligation to provide a safe and healthy working environment for instructors, volunteers, clients and visitors, it is Department of Education and CLA policy that smoking is not permitted on school site.

2.15 Alcohol and Drugs in the Workplace

Overview
Alcohol is widely promoted and accepted as one of Australia's most used drugs. The effect of alcohol in the workplace includes absenteeism, poor performance, OHS costs due to accidents and health care costs. When a worker consumes drugs or alcohol or any other substance that affects their safe performance at work, or affects the health and safety of other workers, clients, or visitors, then the issue becomes management business. It has related to the management's responsibility under the section 21 of the *Occupational Health and Safety Act 2004* to provide a safe and healthy working environment.

Policy
The consumption or possession of alcohol is prohibited. This means that alcohol cannot be consumed at the workplace nor can it be brought onto it.

Drugs must not be brought onto or consumed at the workplace.

If, in the opinion of the principal or other responsible person, a person is unfit to perform work because of the effect of drugs or alcohol, that person shall not be permitted to remain in the workplace.

Persons taking prescribed drugs or pharmaceutical drugs, which are likely to impair their judgment, or work performance, must advise the supervisor or another responsible person of the likely effect of the medication so that appropriate work assignments can be given.

Procedures for dealing with Drugs or Alcohol Affected Person

When dealing with instructors or other persons, whom you suspect of being under the influence of drugs or alcohol, you are essentially following a discipline procedure. For discipline to be effective, the procedure must have the following elements:

(a) The policy must be clearly communicated in making all instructors aware of the expectations and consequences.
(b) Clear behaviour evidence, which means if the instructor breaches the policy, it must be evidenced and reported.
(c) The consequences as described in the below-explained procedures should be followed.

Procedures for Breach of Drug/Alcohol Policy

For any discipline problem, there is a following procedure:

- Verbal Warning, for the first breach with the statement of consequences;
- Formal Written Warning, for the second breach, with the statement of consequences sent to the instructor concerned. The copy of warning should be kept in their personal file: and
- Final Discipline Action, for the third breach, which may involve carrying out of the consequences such as dismissal, demotion or transfer.

It is possible to dismiss an instructor for breach of policy provided that:

(a) the policy is clearly communicated,
(b) all instructors are treated in the same way by the policy,
(c) an instructor who breaks the policy is given the reasonable opportunity to change, and
(d) the above mentioned steps of procedure are strictly followed.

Checklist for Implementing and Maintaining a Drug and Alcohol Policy

1. Display the Drug and Alcohol Policy on the notice board.
2. Communicate instructors about the prohibition of using drugs and alcohol in the office and discipline procedures that are followed if is breach registered.

2.16 Evacuation Procedure

Community languages schools are required to have an evacuation plan. For schools which utilise government buildings, the evacuation that has been created by that facility needs to be known to all members of the school community. For schools whose buildings do not have an evacuation plan, it is the responsibility of the school to create a plan and familiarise the school community with the procedure by placing the evacuation plan in a strategically located position which is accessible to the entire school community. Ideally, the evacuation plan would be exhibited on a main wall, which would allow staff and students to become familiar with the plan.

2.17 Security

Access is restricted to authorized users in line with agreed protocols and is limited to the minimum level necessary for each user.

Computer security is controlled by:

- Using access passwords
- Deletion of files held on hard drives, where appropriate

Paper record security is controlled by:

- Keeping staff/student/school files in locked storage when not in use
- Disposing of waste paper containing staff/student information by shredding

- If possible, personal information is not left in an unattended car. If staff/student/school information is carried in a car, it is locked in the boot so that it cannot be seen nor easily accessed by an authorized person.

Staff/student/school information sent by post or courier is secured by:

- Using registered mail so that delivery acceptance is recorded
- Sealing envelopes and marking them, "Confidential: Attention X"

Demonstrations or case studies
In the case of demonstrations or case studies, the relevant individuals must:

- Take reasonable care to protect their own health and safety and the health and safety of others;
- Co-operate with their employer in ensuring that the workplace is safe and healthy and report to the employer any situation at the workplace that could constitute a hazard;
- Follow the instruction and training provided by their employers, use the personal
- Protective equipment provided and not interfere with anything set up in the interests of health and safety.
- The legislation also recognises that instructors have certain rights with regard to health and safety in their workplaces. These include the right to:
- Be informed, i.e. to know about potential hazards;
- To be represented on matters relating to occupational health and safety.

2.18 Health and Safety in Community languages Schools

In accordance with the requirements of the legislation, information and relevant training will be provided to all staff on the causes and prevention of work related illnesses and injuries.

 Furniture and Equipment
Staff will be provided with relevant training prior to the use of any equipment.
It is the responsibility of staff to ensure that they use equipment appropriately and follow the procedures recommended to protect keyboard users from muscle fatigue and repetitive strain injury.

Staff should ensure that they protect their eyes from the light emitted by the photocopier, and should take care when filling the machine with toner.

Stress
CLA recognises that stress is an occupational hazard and aims to minimize stress for staff by:

- making good staff working conditions a priority;
- clearly defining job responsibilities and accountability structures;
- establishing support systems for all staff;
- ensuring work plans and timelines are realistic.

Smoking
CLA recognises the dangers of passive smoking and has made the workplace a smoke free environment. Staff are not permitted to smoke on site.

Accidents
An accident report form as provided by WorkCover Authority must be completed by any staff involved in an accident (however minor) either at work or on the way to or from work and given to their manager as soon as possible.

Communicable Disease
Staff should practice basic hygiene and exercise infection control measures to avoid communicable diseases.

2.19 First Aid

In line with the First Aid Regulation of the *Occupational Health and Safety Act, 2004*.

The following policy in relation to first aid applies to Community Languages Schools:

- Each school must ensure that a first aid kit is stored on site;
- The Manager is in charge of the kit and must ensure it is properly maintained;
- The Manager is responsible for ensuring that a Register of Injuries and Treatment is maintained up-to-date.
- Schools must ensure that there is an adequate number of trained first aid officers on site. For further training or information, schools can contact ESAV.

2.21 Staff Accountability

It is important for the smooth running of community languages schools that all staff are clear about whom they are responsible to, and that there is a set procedure for reporting.

2.22 Instructor Information

Files will be kept on each instructor. It will include their signed Agreement of Engagement , their job description, a completed instructor record card, notes on their performance and any other relevant information. Instructors are entitled to see their file at any suitable time to be arranged with the Manager.

2.23 Job Descriptions

All staff should have a job description which specifies their roles and responsibilities. Job descriptions should be reviewed as required, depending on a funding agreement, its terms and conditions. Each staff person should be given a copy of their job description prior to their commencing employment and whenever their job description is changed.

2.24 Conditions of Employment

The conditions of employment for Community Languages Schools Staff are specified below:

- All staff should have an Agreement of Engagement, which is to be signed by the staff Principal and representative of the management committee prior to their commencing work.
- School policy regarding staff conditions of employment are specified in the Agreement of Employment.
- Each staff person shall be given a copy of their signed 'Agreement of Employment' prior to commencing employment.

Probationary Period

The initial term of employment for a new worker should be 3 months. If the committee is not happy with the person's performance their employment can be terminated during the period of the agreement by giving at least 14 days notice in writing.

Subsequent terms of employment could be for a year or more and should be negotiated between the committee and the instructor.

Review of Job Descriptions

Job descriptions should be reviewed whenever the Agreement of Engagement is due to expire. If the job description needs to be changed the Agreement of Employment should be terminated by giving not less than 14 days notice in writing to the instructor that their employment will cease on the expiry of the current term of their employment.

A new Agreement of Employment should then be signed in relation to the revised job description.

Changes to the job description within a current term of employment must be agreed to by the instructor.

Note: Before a contract of employment is signed by an instructor, the manager must check it against the relevant award or seek legal advice to ensure that it complies with that award.

2.26 Code of Behaviour

A copy of the Code of Behaviour should be given to all staff on recruitment. Failure to abide by the Staff Code of Behaviour may lead to dismissal from the School.

Instructors and volunteers agree to:

- Abide by the philosophy of community languages schools and the school
- Observe all the rules of the school including those specified in the constitution and any others determined by the management committee or the membership of the organisation;
- Adhere to all the accounting procedures of the school
- Represent community languages schools in a positive way
- Not discuss confidential issues of the school with people outside the organisation
- Not take illegal drugs or consume alcohol when on duty or on the premises
- Follow any grievance procedures set down by the management committee to try to resolve any conflicts with other staff or members of the school
- Not harass in any form students or other staff or members of the school
- Not abuse, physically or verbally, other staff or members of the school
- Treat all who enter the school with courtesy, respect and consideration, act on complaints and provide services to the best of their ability.

Failure to abide by the above rules may lead to dismissal from the CLA

3.0 Workplace Harassment, Victimisation and Bullying

3.1 Anti Bullying Policy

This policy applies to the members, staff and students of Community Languages Schools.

Definition:
A person is bullied when one or more other persons expose them regularly and over time to negative or harmful actions. Bullies are people who deliberately set out to intimidate, exclude, threaten and or hurt others repeatedly. Bullying is a clear form of harassment.

Forms of Bullying:
- Verbal: name-calling, put downs, verbal threats or demands **based on culture, race, religion, gender or physical appearance**
- Psychological: stalking or giving dirty looks
- Social: excluding or ignoring others, spreading rumours
- Cyber-bullying: harassment or cyber-stalking via SMS messages, mass emailing, chat rooms, blogs, message boards and social networks
- Physical: hitting, tripping, poking, kicking a student or stealing, taking, damaging or

defacing their belongings, **harmful actions targeting medical conditions such as allergies**
- Sexual harassment: suggestive comments or gestures, unwelcome advances or conduct of a sexual nature

Aims:
- To educate the school community about the different forms of bullying, and its total unacceptability.
- Everyone within the school community to be alert to signs and evidence of bullying and to have a responsibility to report it whether as an observer or victim.
- To ensure that all reported incidents of bullying are followed up appropriately and that support is given to both victims and perpetrators.
- To seek parental and peer-group support and co-operation at all times.

Implementation:
- Parents, staff, students, volunteers and the community will be aware of the school's position on bullying.
- The school will adopt a four-phase approach to bullying.

A. Primary Prevention:
- Professional development for staff relating to bullying, harassment and proven counter measures.
- Community awareness and input relating to bullying, its characteristics and the school's programs and response.
- Provision of programs that promote resilience, life and social skills, assertiveness, conflict resolution and problem solving.
- At the **commencement of each school year**, each classroom teacher will revisit the school policy on bullying with their class.

B. Early Intervention:
- Classroom teachers and the Principal to remind students, members, volunteers and staff to report incidents of bullying on a regular basis.
- Public recognition and reward for positive behaviour and resolution of problems.
- The Principal will be informed of all bullying incidents.

C. Intervention:
- Once identified each bully, victim and witnesses will be spoken with, and all incidents or allegations of bullying will be fully investigated and documented.
- Students and staff identified by others as bullies will be informed of allegations.
- Both bullies and victims will be offered ongoing counselling.
- If student/member/volunteer/teacher **bullying is repeated** parents will be contacted and consequences implemented consistent with the school's Student Code of Conduct.
- If staff/student/member/volunteer bullying persists the Principal will commence formal disciplinary action.

D.   Post Violation:
- Consequences for students will be individually based and may involve:-
    - exclusion from class
    - exclusion from yard
    - school suspension

- Reinforcement of positive behaviours
- Classroom Meetings
- Support Structures
- Ongoing monitoring of identified bullies

- Rewards for positive behaviour
- Consequences for staff will be individually based and may involve a period of monitoring, a formal support group or disciplinary action

3.2 Workplace Harassment Policy

CLA and community languages schools are committed to ensuring a healthy and safe workplace that is free from workplace harassment. Workplace harassment is unacceptable and will not be tolerated under any circumstances. This policy applies to members, students, volunteers, Committee Members and staff.

Definition of workplace harassment

1.   A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer or a co-worker or a member/s or students or group of co- workers of the person that:

   a.   Is unwelcome and unsolicited
   b.   The person considers to be offensive, intimidating, humiliating or threatening
   c.   A reasonable person would consider to be offensive, humiliating, intimidating or threatening
   d.   Workplace harassment does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.

3. The definition of 'sexual harassment' is contained in the *Equal Opportunity Act 2010*. Detailed below are examples of behaviours that may be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour. This is not an exhaustive list, however it does outline some of the more common types of harassing behaviours. Examples include:

- Abusing a person loudly, usually when others are present
- Repeated threats of dismissal or other severe punishment for no reason
- Constant ridicule and being put down
- Leaving offensive messages on email or the telephone
- Sabotaging a person's work (for example) by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages etc.
- Maliciously excluding and isolating a person from workplace activities
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

Actions that are not workplace harassment

 Legitimate and reasonable management actions and business processes, such as: actions taken to transfer, demote, discipline, redeploy, retrench or dismiss a worker are not considered to be workplace harassment, provided these actions are conducted in a reasonable way.

Effects of workplace harassment on people and the business

Workplace harassment has detrimental effects on people and the business. It can create an unsafe working environment, result in a loss of trained and talented workers, the breakdown of teams and individual relationships, and reduced efficiency. People who are harassed can become distressed, anxious, withdrawn, depressed and can lose self-esteem and self-confidence.

3.3 Workplace strategies to eliminate workplace harassment

- Provide all instructors with workplace harassment awareness training
- Develop a code of conduct for workers to follow
- Introduce a complaint handling system and inform all workers on how to make a complaint, the support systems available and options for resolving grievances
- Regularly review the workplace harassment prevention policy, complaint handling system and training.

Responsibilities of staff/ volunteers of the School requires all staff/volunteers to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour and to maintain privacy during the investigations. Principal, School Coordinator and Committee Members must also ensure that workers are not exposed to workplace harassment. Management are required to personally demonstrate appropriate behaviour, promote the workplace harassment prevention policy, treat complaints seriously and ensure where a person lodges or is witness to a complaint, that this person is not victimised.

Where staff/volunteers can go for assistance

A staff/volunteer, who is being harassed, can contact the School Coordinator or the Chairman or the Principal for assistance in the management and resolution of a workplace harassment complaint.

3.4 Commitment to promptly investigate complaints

The School has a complaint handling system, which includes procedures for reporting, investigating, and resolving and appealing workplace harassment complaints. Any reports of workplace harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace harassment will not be victimised.

3.5 Consequences of breach of policy

Disciplinary action will be taken against a person who harasses staff/volunteer or who victimises a person who has made or is a witness to a complaint. Complaints of alleged workplace harassment found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.

4.0 Equal Opportunity- Anti Discrimination, Racial Vilification and Disability Discrimination

CLA is committed to upholding the values outlined in the *Equal Opportunity Act 2010*.

4.1 Act Objectives
As stated in Part 1, Section 3, the objectives of this Act are-

(a) To eliminate discrimination, sexual harassment and victimisation, to the greatest possible extent;
(b) To further promote and protect the right to equality set out in the Charter of Human Rights and Responsibilities;
(c) To encourage the identification and elimination of systemic causes of discrimination, sexual harassment and victimisation;
(d) To promote and facilitate the progressive realisation of equality, as far as reasonably practicable by recognising that-

    (i) discrimination can cause social and economic disadvantage and that access to opportunity is not equitably distributed throughout society;
    (ii) equal application of a rule to different groups can have unequal results or outcomes
    (iii) the achievement of substantive equality may require the making of reasonable adjustments and reasonable accommodation and that taking of special measures;

(e)   to enable the Victorian Equal Opportunity and Human Rights Commission to encourage best practice and facilitate compliance with this Act by undertaking research, educative and enforcement functions;

(f)   to enable the Victorian Equal Opportunity and Human Rights Commission to resolve disputes about discrimination, sexual harassment and victimisation in a timely and effective manner, and to also provide direct access to the Victorian Civil and Administrative Tribunal for resolution of such disputes.

4.2 Definitions

Discrimination is defined in part 2, section 6 as being linked to the following attributes.
The following are the attributes on the basis of which discrimination is prohibited in the area of activity set out in part 4-

(a)   age
(b)   breastfeeding
(c)   employment activity
(d)   gender identity
(e)   disability
(f)   industrial activity
(g)   lawful sexual activity
(h)   marital status
(i)   parental status or status career
(j)   physical features
(k)   political belief or activity
(l)   pregnancy
(m)   race
(n)   religious belief or activity
(o)   sex
(p)   sexual orientation
(q)   personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

In section 7 the meaning of discrimination is defined as-
(1)   direct or indirect discrimination on the basis of an attribute.

4.3 Equal Employment Opportunity

Schools must aim   to choose the best person for the job regardless of:

- race, colour and national origin;
- physical, intellectual or psychological impairment including HIV and AIDS;
- gender;
- marital status (including de facto);
- parental status (including pregnancy);
- religious or political beliefs, activities or practices.

School Management committees should establish and monitor all employment policies, practices and procedures to ensure that equal opportunity principles are followed in all areas of staff management including:

- advertising for positions;
- job descriptions and selection criteria;
- interview questions and processes;
- selection panel composition and practices;
- appointment procedures;
- staff training and development;
- transfer, promotion and higher duties;
  discipline and dismissals
Some suggested processes

4.4 Staff selection

Staff are selected against the key selection criteria outlined in the relevant position descriptions. Community languages schools should carry out reference checks before a new staff member or volunteer is engaged. To find the best applicant for the position, community languages schools will focus on the requirements of the job rather than questions or assumptions about the applicant's circumstances or background. Community languages schools will provide information and training to all staff and management group members involved in the staff advertising, selection and appointment process.

4.5 Recruitment Process for Paid Staff

1. Clarify the need for and role of the worker and develop or review the Job Description.

2. Work out who will be involved in the short listing and interviewing.

3. Advertise the position.

4. Send applicants a copy of the job description.

5. Shortlist applicants on the basis of their relevant skills and experience.

6. Interview.

7. Select the most suitable applicant.

8. Advise the successful applicant in writing.

9. Sign an Agreement of Engagement .

10. Write letters to unsuccessful applicants.

11. Orientate the new worker.

4.6 Advertising Positions

Most of the positions are to be advertised in the community newspapers and radio as well as other relevant avenues.

4.7 Interviewing

The selection panel should draw up a list of interview questions prior to the interviews. All applicants should be asked the same questions. The questions will aim to explore the applicant's relevant skills and experience to perform the duties.

4.8 Procedure When a New Staff Person Joins

When a new staff person is appointed a position at community languages schools the following procedure applies:

- an Agreement of Engagement   specifying all the terms and conditions of employment is signed by the staff person and the Chairperson or Principal and a copy given to the staff person;
- ensure the person has a copy of their job description;
- an instructor record card is completed;

- an Instructor Tax Declaration Form is completed and forwarded to the Australian Tax Office;
- a page in the wages book is set up;
- the instructor is given time to read the staff orientation kit, and the opportunity to ask any questions;
- when practicable, a handover is arranged with the previous occupant of the position;
- contents of this Policy and Practice Manual relevant to the person's position are explained to them.

4.9 Staff Orientation Kit

A staff orientation kit will be maintained by the Manager and given to all new staff members on recruitment. The orientation kit will include:

- agency name, address, phone numbers and fax numbers;
- agency philosophy and objectives;
- management model;
- organisation chart;
- staff roles, rights and responsibilities;
- pay day and method of payment;
- staff meetings;
- Agreement of Engagement
- code of behaviour;
- Organisation and Administrative Manual
- Student and Staff Welfare Manual

4.10 Staff Supervision and Support

Supervision and support are important to ensure that staff is supported in their work and that their work is carried out effectively. All staff (paid and unpaid) will be provided with regular supervision. This will include an annual performance appraisal. Staff should contact their supervisor if issues arise. School management committee/ senior staff member (or other nominated committee member) is responsible for providing supervision and support. The committee member responsible will have relevant skills and experience. The Principal is responsible for providing supervision and support to all other staff.

4.11 Performance Appraisal

CLA and community languages schools are committed to supporting staff to improve their own efficiency and effectiveness. Staff is expected to perform their duties to the best of their ability and to show a high level of personal commitment to providing a quality, professional service at all times. Performance appraisals will be conducted annually by an appointed committee member who is his/her supervisor. Performance appraisals are based on job descriptions and agreed work plans. Performance appraisals will also be carried out for regular volunteers in the service. Staff should be encouraged to attend Professional Development sessions and training provided through State Associations

The aims of the staff performance appraisal are:

- to allow free and confidential discussions about work between instructor and supervisor;
- to discuss the instructor's job performance, in comparison with set standards;
- to discuss any work problems and search for a solution;
- to discuss means of improving work performance including identification of training and development needs.

4.12 The Performance Appraisal Process

The person conducting the performance appraisal should:

- review the job requirements so you are fully aware of them;
- review the goals and objectives or job expectations previously agreed to with the instructor. (These may have been agreed to in the last performance appraisal.);
- give the instructor a copy of the appraisal form to complete before the appraisal session and arrange a session time;
- review the instructor's history: skills, training, experience, past performance appraisals etc.
- using the Performance Appraisal Form, assess the instructor's job performance against the expectations of the position using all sources of information available to you. Rate each area or duty from unacceptable to outstanding;
- note performance issues, which need to be discussed with the instructor.
- include strengths, weaknesses and opportunities for development. Provide specific examples, especially where performance is poorly rated;
- Be open and honest. Try to be positive even when dealing with negative issues. Keep in mind that this is a positive meeting for the benefit of the instructor and yourself;
- Write up the performance appraisal.
- Include all issues covered, actions to be taken, time lines and instructor comments.

4.13 Staff training

All school staff will receive training appropriate to their position. By providing opportunities for staff development and encouraging staff to expand their knowledge and skills. CLA and schools believe that the improved abilities of its staff will be reflected in continuing improvements to services. Staff development, education and training are tied into the performance appraisal and staff supervision process.

The training needs of staff and volunteers should be discussed with the Principal , at the annual staff performance appraisal and at supervision sessions. The Principal is responsible for ensuring that the basic training needs of staff/volunteers are met. This may be through:

- the provision of a staff orientation kit and/or procedures manual;
- referral to an external training course;
- the provision of 'in-house' training sessions or on the job training.
- State Association and Department of Education programs

Basic training for staff will ensure that:
- all new staff has induction training through an orientation session. This will cover the
- staff orientation kit and the content and use of this Policy and Practice Manual and Organisational and Administrative   Manual ;
- staff receive training on occupational health and safety issues and in the use of equipment;
- staff receive training regarding the legal responsibilities associated with their work;
- staff receive training related to the needs of the consumer group;
- staff will also receive ongoing training on the content and use of this Manual.

4.14 Training Procedure
1. Identify training and PD needs
2. Prioritise training and PD needs
3. Determine available training, learning resources and options
4. Source/ select appropriate training
5. Conduct or provide opportunities training activities
6. Evaluate training

Staff and volunteers will be advised of changes in practice and policy, or of upcoming events, through a number of different forums.

Including;

- ❑ Staff Meetings
- ❑ Individual Supervision
- ❑ Staff Notice Boards
- ❑ Staff Resource Folders
- ❑ Letters/ Memos/Email

4.15 Staff Development Opportunities

CLA and community languages schools will support its staff in staff development, education and training activities which are relevant to, and will benefit the organisation. Support may include:

- staff attendance for workshops, seminars and conferences run by the school , CLA or other agencies;
- Participate in an accredited course of study part-time or externally at a recognised educational institution;
- purchasing resources such as videos and research literature.

Staff should report back to the Principal about any training or PD activities, which they have attended and the value of the activity to their work.

Any staff wishing to participate in staff development opportunities should discuss these with their immediate supervisor at least 14 days prior to the activity. This will allow for the rostering of a person's work.

4.16 Staff Performance

The staff performance dispute procedure is the procedure for dealing with issues of poor performance by a staff person. The procedure provides staff with an opportunity to improve their performance through training and trial periods.

The following is the procedure for dealing with a staff performance dispute not involving misconduct, which would result in instant dismissal. It is also included in the Agreement of Employment.

Step 1: Verbal Warning

The instructor will be told as soon as possible of any complaint concerning the performance of his/her work and will be provided with an opportunity to discuss the complaint. If appropriate, the Manager will, in consultation with the instructor, outline how the instructor must improve his/her performance. Any assistance needed by the instructor to improve his/her performance will be identified and provided where possible. A date to review the instructor's performance will be set if required.

Step 2: First Written Warning

If at the time of review set in Step 1, the instructor's performance is still unsatisfactory, there will be further discussion with the instructor. This will include the instructor, a representative of their choice and the Manager.

The complaint against the instructor and plans for improvement will be recorded in writing and a copy given to the instructor clearly stating that a lack of improvement by a given time will result in a final written warning

Step 3: Final Written Warning

If at the date set in Step 2, the instructor's performance has not improved, there will be further discussion with the instructor. This will include the instructor, a representative of their choice and the Manager.

The complaint against the instructor and plans for improvement will be recorded in writing and a copy given to the instructor clearly stating that a lack of improvement by a given time will result in termination of employment.

Step 4: Termination of Employment

If the problem still persists after the final written warning the employer may terminate the employment of the instructor. The Manager represents the employer and has the authority to dismiss staff. In the case of a staff performance dispute between the Manager and the management committee, any dismissal must be by a majority vote of the committee.

Detailed notes of these meetings will be recorded.

4.17 Staff – Parents - Student Grievance Procedure

The grievance procedure specifies the procedures staff, parents, students can follow if they have a grievance about their employment conditions, behaviour , results, assessment their supervisor or the management committee.

Step 1

Those with a compliant should approach the Manager for discussion and advice on the issue. The discussion is confidential.

Step 2

If the problem is not resolved in Step 1 the instructor may put the issue in writing to the Manager and request that the issue be raised with the management committee at the next committee meeting

If it relates to curriculum issues the curriculum –VCE coordinator should establish a process of review and involve the party with the grievance

The management committee shall make a decision on the issue and advise the instructor within 7 days.

Step 3

If the problem is not resolved in Step 2 the instructor may attend a meeting of the management committee and shall be entitled to address that meeting.

The instructor may be accompanied by a representative of their choice.

Aggrieved party may request that the Manager. Instructor, coordinator not is present while they address the meeting. The committee shall make a decision on the issue and advise the aggrieved party of their decision within 7 days.

A full report should be provided to the principal, management committee and those lodging the complaint.

If the matter is not resolved it should be forwarded to the Australian Federation of Ethnic Schools Association (AFESA)

In matters of curriculum and assessment the aggrieved party may seek advice from the Victorian Regulations and Qualifications Authority (VRQA)

4.18 Appeal

The Manager and committee will ensure that their decisions are in line with the relevant Acts of Parliament, which govern the employment of staff or curriculum issues.

Staffing issues

If a staff members feels that they have been unfairly treated, they may consult with the relevant Union or the Industrial Relations Commission of VIC.

If staff members feels that they have been unfairly discriminated against on the grounds of sex, race, etc. they may refer the issue to the Equal Opportunity Tribunal.

Staff should be made aware of their rights to consult with the Industrial Relations Commission of VIC or the Equal Opportunity Tribunal.

4.19 Misconduct

Misconduct includes very serious breaches of agency rules, which warrant the instant dismissal of an instructor.

Examples of misconduct include:

- theft of property or funds from community languages schools;
- wilful damage of service property;
- intoxication through alcohol or other substances during working hours;
- verbal or physical harassment of any other instructor or consumer particularly in respect of race, sex or religion;
- disclosure of confidential information regarding the organisation to any other party without prior permission;
- the disclosure of information concerning the consumers of the organisation other than the information that is necessary to assist consumers and to ensure their safety;
- carrying on a private business from school premises or using the service's resources for private business;
- falsification of any organisation's records for personal gain or on behalf of any other instructor;
- failure to comply with the Staff Code of Behaviour.

4.20 Instructor Exit Procedure

When an instructor leaves community languages schools, the following procedure applies: arrange an exit interview or termination interview. The exit interview is conducted by the Manager or a member of the management committee and provides useful feedback about CLA for use in planning and evaluation.

Exit Interview Record:

prepare the instructor's termination payment:

- calculate ordinary wages due or wages in lieu of notice;
- calculate annual leave due to the date of termination. This is paid at the instructor's current rate of pay;
- calculate leave loading in accordance with the employment contract;
- check if the instructor is entitled to pro-rata long service leave;
- check if any allowances are owing (e.g. travel, meals);
- check if the instructor owes community languages schools monies;
- prepare a written statement showing the detailed calculation of all monies to be paid to the instructor;
- make sure there is a letter of resignation from the instructor if they resigned, or a letter of termination from the management committee if they were dismissed;
- if requested, prepare a written statement of employment detailing the period of employment and type of work performed.

If appropriate, prepare a reference make sure that property belonging to community languages schools is returned, including keys, files and equipment.

5.0 Child Protection

5.1 Notifications of Abuse

Community languages schools instructors are committed to protecting a child's right to be safe from abuse of any kind. If any instructor has suspicions of abuse consult the **Department of Human Services Victorian Child Protection Service**. When someone with mandatory reporting obligations has reasonable suspicion of abuse they need to contact the **Child Protection Crisis Line: 13 12 78 or Victoria Police 000** (urgent matters).

DHS Regions	Tel.
Eastern	**1300 360 391**
Southern	**1300 655 795**
Northern & Western	**1300 664 977**
Barwon South Western	**1800 075 599**
Gippsland	**1800 020 202**
Grampians	**1800 000 551**
Hume	**1800 650 227**
Loddon Mallee	**1800 675 598**

If you are unsure which regional office to call, please see the website below -

http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/child-protection-contacts

5.2 NQS & National Regulations

QA2	2.3.4	Educators, co-ordinators and educators are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.

Regs	84	Awareness of child protection law

5.3 Aim

We believe that the safety of children is paramount at all times and aim to protect a child's right to be safe from abuse of any kind. The service also aims to defend the rights of educators to confidentiality if a complaint against them is made and is found to be unsubstantiated. CLA will ensure that all parties affected by this policy are made aware of their roles and responsibilities regarding child protection. The schools aim to educate all parties about their roles in child protection and also about signs of abuse and ensure that all requirements of child protection requirements are being met.

5.4 Statement of Commitment

CLA and community languages schools fundamentally believe that all children have the right to a life that is free from harm. Our schools aim to provide an environment that is free from any type of abuse and foster a child's growth and development as per the individual requirements of each child. Educators at our schools are aware of their obligations under the law in regards to the welfare of children and at all times uphold their obligation. In addition to this, our schools aim to provide regular training to all educators on child protection issues to ensure that, in the sad event a child has suffered abuse; the service can act quickly in the best interests of the child.

5.5 Code of Conduct

Our schools uphold the following code of conduct in relation to employers, educators, volunteers, students, families and children:

For Instructors -Teachers :

Ensure that all instructors are:
- Clear about their roles and responsibilities regarding child protection.
- Aware of their obligations to immediately report suspected abuse to the Child Protection Hotline.
- Aware of the indicators when a child may be at risk of harm or significant harm.
- Provide training and development for all instructors in the recognition and reporting of abuse and harm.
- Provide reporting procedures and professional standards for care and protection work.
- Enable educators to have access to relevant acts, regulations, standards and other resources in order for them to complete their obligations.

5.6   Child Protection Risk management Strategy- Concerns of Abuse/Neglect

The *Children Youth and Families Act 2005* allows for two types of reports to be made if educators or staff are concerned for the safety or wellbeing of a child – a report to Child Protection Services or a referral to Child FIRST. More information is available at:

http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-and-parenting-support/family-services/child-first-child-and-family-information,-referral-and-support-teams

A report to **Child Protection Services** will be made if:
- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's immediate safety, stability or development
- the child's parents cannot or will not protect the child from harm.

A report to **Child FIRST** will be made if concerns about the child have a low to moderate impact on the child and the immediate safety of the child is not compromised. Some of these concerns may include:

- family conflict or family breakdown
- young or isolated families
- significant parenting problems that may be affecting the child's development.

For further information: http://www.dhs.vic.gov.au/__data/assets/pdf_file/0011/578063/reporting-concerns-about-children-young-people.pdf

Child Protection and the Victorian police are responsible for investigating an allegation of child abuse. Any allegation of abuse by a proprietor, staff member, educator or visitor to an education and care service must immediately be reported directly to Victoria Police on the emergency number 000.

5.7 Definition of Abuse / Neglect

'Abuse' or neglect 'means' –
  (a) sexual abuse; or

  (b) physical or emotional injury or other abuse, or neglect, to the extent that –

    (i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or

    (ii) the injured, abused or neglected person's physical or psychological development is in jeopardy **–**

Suspicion of harm
You can suspect harm if:
- you are concerned by significant changes in behaviour or the presence of new unexplained and suspicious injuries.

Disclosure of harm
A disclosure of harm occurs when someone, including a child, tells you about harm that has happened or is likely to happen.
Disclosures of harm may start with:
    • I think I saw…
    • Somebody told me that…
    • Just think you should know…
    • I'm not sure what I want you to do, but…

5.8 Procedures for receiving a disclosure of harm

When receiving a disclosure of harm:
- remain calm and find a private place to talk
- don't promise that you'll keep a secret; tell them they have done the right thing in telling you but that you'll need to tell someone who can help keep them safe
- only ask enough questions to confirm the need to report the matter; probing questions could cause distress, confusion and interfere with any later enquiries, and
- do not attempt to conduct your own investigation or mediate an outcome between the parties involved.

Reporting guidelines for disclosures or suspicions of harm
Following are the actions our organisation will take immediately following a disclosure or suspicion of harm.

Documenting a suspicion of harm

If you or others have concerns about the safety of a child, record your concerns in a non-judgmental and accurate manner as soon as possible. If a parent explains a noticeable mark on a child, record your own observations as well as accurate details of the conversation. If you see unsafe or harmful actions towards a child in your care, intervene immediately, provided it is safe to do so. If it is unsafe, call the police for assistance.

Documenting a disclosure of harm
Complete an incident report form or record the details as soon as possible so that they are accurately captured. Include:
- time, date and place of the disclosure
- 'word for word' what happened and what was said, including anything you said and any actions that have been taken, and
- date of report and signature.

If you need to take notes as the person is telling you, explain that you are taking a record in case any later enquiry occurs.

Reporting the disclosure or suspicion of harm to authorities
Our organisation will not conduct its own enquiries in relation to the disclosure or suspicion of harm or try to come to an agreement between the parties involved. The person who receives a disclosure or suspects harm is to contact the relevant authority to ensure information provided is comprehensive and accurate.
A step by step guide to making a report to Child Protection or Child FIRST is available on the Victorian Department of Human Services website at
http://www.dhs.vic.gov.au/__data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf

Report the matter to: 13 1278 Child protection Services

Our schools recognise the Children, Youth and Families Act 2005 which states the following -

A mandatory reporter who forms the belief on reasonable grounds that a child is in need of protection must report to the Secretary that belief and the reasonable grounds for it as soon as practicable -

(a) after forming the belief; and

(b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

A belief is a belief on reasonable grounds if a reasonable person practising the profession or carrying out the duties of the office, position or employment, as the case requires, would have formed the belief on those grounds.

Actions following a disclosure of harm
Support and counselling will be offered to all parties involved.

The person against whom the allegation has been made
If the person responding to the allegation of harm is a member of the organisation, you may need to review their duties. If they continue to interact/work with children, ensure that they are appropriately supervised at all times. You may want to seek legal advice as to the extent to which that person can carry out duties in the organisation.

5.9 How can abuse and neglect be recognised?

Behavioural or physical signs which assist in recognising child abuse are known as indicators. A single indicator can be as important an indicator as the presence of several indicators. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress, including child abuse, and it is important to find out specifically what is causing the stress.

Physical Abuse

Physical indicators include:
- Bruises, burns, sprains, dislocations, bites, cuts
- Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally
- Poisoning
- Internal injuries
- Bald patches where hair has been pulled out

Possible behavioural indicators include:
- Showing wariness or distrust of adults
- Wearing long sleeved clothes on hot days (to hide bruising or other injury)
- Demonstrating fear of parents and of going home
- Becoming fearful when other children cry or shout
- Being excessively friendly to strangers
- Being very passive and compliant
- Not reacting or showing little emotion when hurt
- Showing little or no fear when threatened
- Often being absent
- Showing regressive behaviour such as bed-wetting
- Often feeling sad or crying

Sexual Abuse

A child is sexually abused when any person uses their authority or power over the child to engage in sexual activity. This can include exploitation through pornography or voyeurism. Sexual abuse is not usually identified through physical indicators. Often the first sign is when a child tells someone they trust that they have been sexually abused. However the presence of sexually transmitted diseases, pregnancy, or vaginal or anal bleeding or discharge may indicate sexual abuse.

Physical indicators include:
- Injury to the genital or rectal area
- Vaginal or anal bleeding or discharge
- Discomfort in toileting
- Inflammation and infection of genital area
- Bruising
- Frequent urinary tract infections

One or more of these behavioural indicators may be present:
- Child telling someone that sexual abuse has occurred
- Complaining of headaches or stomach pains
- Experiencing problems with schoolwork
- Displaying sexual behaviour or knowledge which is unusual for the child's age
- Showing behaviour such as frequent rocking, sucking and biting
- Experiencing difficulties in sleeping
- Having difficulties in relating to adults and peers
- Drawing or telling stories that are sexually explicit
- Showing regressive behaviour such as bed-wetting

Emotional Abuse

Emotional abuse happens when a child is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and putdowns or persistent coldness from a person to the extent that the child's emotional development and behaviour is at serious risk of being impaired. There are few physical indicators, although emotional abuse may cause delays in emotional, mental, or even physical development.

Physical indicators include:
- Speech disorders

- Delays in physical development
- Failure to thrive

Possible behavioural indicators include:
- Displaying low self esteem
- Tending to be withdrawn, passive, tearful
- Displaying aggressive or demanding behaviour
- Being highly anxious
- Showing delayed speech
- Acting like a much younger child, eg. soiling, wetting pants
- Displaying difficulties in relating to adults and peers
- Showing mental or emotional displays
- Having overly high standards and a fear of failure
-

Neglect

Physical indicators include:
- Frequent hunger
- Malnutrition
- Poor hygiene
- Inappropriate clothing, eg. Summer clothes in winter
- Left unsupervised for long periods
- Medical needs not attended to
- Abandoned by parents

Possible behavioural indicators include:
- stealing food or gorging when food is available
- staying at school outside school hours
- often being tired, falling asleep in class
- abusing alcohol or drugs
- displaying aggressive behaviour
- not getting on well with peers
- poor socialising habits
- withdrawn, listless, pale and thin

The presence of indicators such as those described may alert us to the possibility that a child is being abused. It is important that anyone who has concerns that a child or young person is in need of protection contacts a local Child Protection Service for assistance and advice.

Family Violence

Family violence, either threatened or actual, occurs within a family, including physical, verbal, emotional, psychological, sexual, financial and social abuse. Child Protection must be informed when there are strong indicators that family violence is placing a child at significant risk if danger.
This plan outlines the steps to be taken following a breach of the child and youth risk management strategy in order to address the breach in a fair and supportive manner.

5.9 Managing Breaches

Definition
A breach is any action or inaction by any member of the organisation, including children and young people, that fails to comply with any part of the strategy. This includes any breach in relation to:
- statement of commitment to the safety and wellbeing of children and the protection of children from harm

- code of conduct for interacting with children and young people;

- procedures for recruiting, selecting, training and managing paid instructors and volunteers

- policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines

- policies and procedures for implementing and reviewing the children and youth risk management strategy and maintaining an instructor register

- risk management plans for high risk activities and special events, and

- strategies for communication and support.

All stakeholders are to be made aware of the actions or inactions that form a breach as well as the potential outcomes of breaching the child and youth risk management strategy.

Processes to manage a breach of the child and youth risk management strategy
Breaches will be managed in a fair, unbiased and supportive manner. The following will occur:
- all people concerned will be advised of the process
- all people concerned will be able to provide their version of events
- the details of the breach, including the versions of all parties and the outcome will be recorded
- matters discussed in relation to the breach will be kept confidential, and
- an appropriate outcome will be decided.
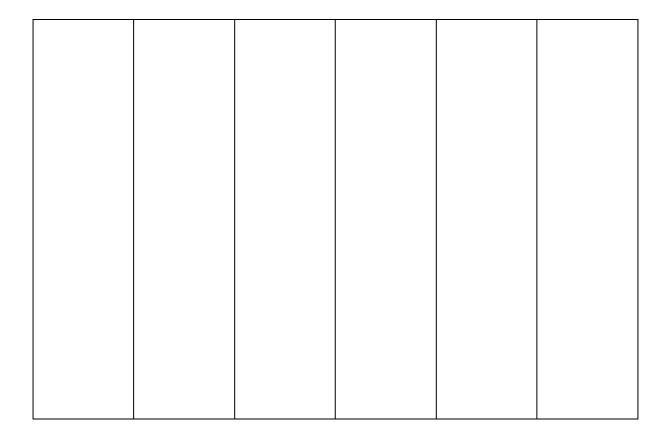
Suitable outcomes for breaches
Depending on the nature of the breach, outcomes may include:
- emphasising the relevant component of the child and youth risk management strategy, for example, the code of conduct
- providing closer supervision
- further education and training
- mediating between those involved in the incident (where appropriate)
- disciplinary procedures if necessary, or
- reviewing current policies and procedures and developing new policies and procedures if necessary.

5.10 Template: Risk management Plan for High Risk Activity

In addition to occupational health and safety concerns, a child and youth risk management strategy should analyse the risk of 'harm' to children and young people. Schools are responsible for delivering this strategy to suit the relevant needs of their particular school environment and circumstances.

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Describe the activity *Identify all elements of the event from beginning to end*	**Identify Risks** *Something that could happen that results in harm to a child or young person*	**Analyse the Risk** *Likelihood/ Consequences*	**Evaluate the Risk** *The level of risk*	**Manage the Risk** *Assess the options*	**Review** *Nominate who will review after the event/activity*

6.0 Complaints

CLA recognises that sound guidelines and strategies need to be in place in order to manage complaints against teachers as well as providing adequate parent complaint information. Below are two links which provide information regarding effective complaint and misconduct guidelines as well as general information relating to strategies in dealing with such instances. CLA regards such matters to be of upmost importance and is committed to ensuring that community languages schools are equipped with the adequate tools and information to successfully address these issues.

- Links:
  http://www.education.vic.gov.au/hrweb/Documents/Complaints_Misconduct_and_Unsatisfactory_Performance.pdf
- http://www.education.vic.gov.au/about/contact/Pages/complaininfo.aspx

6.1 General Process

In case of a dispute:

Schools must make a concerted effort to try and investigate and handle the issue internally through relevant processes.

Failure to that: schools can refer to CLA for intervention assistance in regards to the issue

Failure to that: schools can refer to the Department of Education and Early Childhood for further assistance and information.

7.0 Privacy

CLA acknowledges that community languages schools must exercise appropriate processes and guidelines which respect the privacy of all staff and students. CLA considers any breach of privacy by schools to be a serious issue which will need to be investigated.

For further information:

- Privacy Victoria: http://www.privacy.vic.gov.au/privacy/web2.nsf/pages/privacy-laws
- Information Privacy Act 2000: http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/4BE13AE4A4C3973ECA256E5B00213F50/$FILE/00-098a.pdf
- DEECD Information Privacy Policy: http://www.education.vic.gov.au/Pages/privacypolicy.aspx
- DEECD Privacy Policy:
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By Jurisdication

Working with Children Act

Education and Training Reform Act

Occupational Health and Safely Act

Workcover

Workers' Compensation Act

Equal Opportunity Act

Department of Human Services Victorian Child Protection Services

The Children, Youth and Families Act

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1.0 Working with Children ACT

NSW - Child Protection (Working With Children) Act 2012
http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/

ACT *- Working with Vulnerable People (Background Checking) Act 2012*
http://www.legislation.act.gov.au/sl/2012-4/current/pdf/2012-4.pdf

QLD - Commission for Children and Young People and Child Guardian Act 2000(Qld) -
http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CommisChildA00.pdf

SA - Children's Protection Act 1993 (SA) -
http://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993/CURRENT/1993.93.UN.PDF

WA - Working with Children (Criminal Record Checking) Act 2004 (WA) -
http://www.austlii.edu.au/au/legis/wa/consol_act/wwcrca2004412/

TAS - No relevant Act

NT - Care and Protection of Children Act 2007 (NT) -
http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/

1.1 Education and Training Reform Act 2006

NSW - Education Act 1990
http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1990%20AND%20no%3D8&nohits=y

ACT *- Education Act 2004*
http://www.legislation.act.gov.au/a/2004-17/current/pdf/2004-17.pdf

QLD - Education (General Provisions) Act 2006
http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2006/06AC039.pdf

SA - Education Act 1972
http://www.legislation.sa.gov.au/LZ/C/A/EDUCATION%20ACT%201972/CURRENT/1972.154.UN.PDF

WA - School Education Act 1999 http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/

TAS - Education Act 1994 http://www.austlii.edu.au/au/legis/tas/consol_act/ea1994104/

NT - Education Act
http://www.austlii.edu.au/au/legis/nt/consol_act/ea104/

2.0 Occupational Health and Safety Act, 2004

NSW - Occupational Health and Safety Act 2000
http://www.legislation.nsw.gov.au/fullhtml/inforce/act+40+2000+FIRST+0+N
        Work Health and Safety Act 2011 -
http://www.austlii.edu.au/au/legis/nsw/consol_act/whasa2011218/

ACT - Work Health and Safety Act 2011 - http://www.legislation.act.gov.au/a/2011-35/current/pdf/2011-35.pdf

QLD – Work Health and Safety Act 2011 -
http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf

SA - Work Health and Safety Act 2012
http://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx

WA - Occupational Health and Safety Act 1984 -
http://www.austlii.edu.au/au/legis/wa/consol_act/osaha1984273/

TA - Work Health and Safety Act 2012 -
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=1%2B%2B2012%2BAT%40EN%2B20130214000000;histon=;prompt=;rec=;term=

NT - Work Health and Safety Act 2011 -
http://www.austlii.edu.au/au/legis/nt/num_act/whasula201139o2011543

2.11 Workcover

NSW – Workcover NSW - http://www.workcover.nsw.gov.au/Pages/default.aspx

ACT – Worksafe ACT - http://www.worksafe.act.gov.au/health_safety

QLD – Worksafe QLD - http://www.deir.qld.gov.au/workplace/index.htm

SA – Safework SA - http://www.safework.sa.gov.au/

WA – Worksafe WA - http://www.commerce.wa.gov.au/WorkSafe/

TAS Workplace Standards Tasmania- http://workplacestandards.tas.gov.au/home

NT- NT Worksafe - http://www.worksafe.nt.gov.au/home.aspx

2.20 Workers' Compensation Act, 1987

NSW – Workers' Compensation Act 1987 -
http://www.legislation.nsw.gov.au/maintop/view/inforce/act+70+1987+cd+0+N

ACT - Workers' Compensation Act 1951 - http://www.legislation.act.gov.au/a/1951-2/current/pdf/1951-2.pdf

QLD - Workers' Compensation and Rehabilitation Act 2003 -
http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkersCompA03.pdf

SA - Workers Rehabilitation and Compensation Regulations 2010 under the *Workers Rehabilitation and Compensation Act 1986* -
http://www.legislation.sa.gov.au/LZ/C/R/WORKERS%20REHABILITATION%20AND%20COMPENSA
TION%20REGULATIONS%202010/CURRENT/2010.154.UN.PDF

WA - Workers' Compensation and Injury Management Act 1981 -
http://www.austlii.edu.au/au/legis/wa/consol_act/wcaima1981445/

TAS – Workers' Rehabilitation and Compensation Act 1988 -
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=4%2B%2B1988%2BAT%40EN%2B20
130704000000;histon=;prompt=;rec=;term=

NT - Workers' Rehabilitation and Compensation Act -
http://www.austlii.edu.au/au/legis/nt/consol_act/wraca400/

4.0 Equal Opportunity Act 2010

NSW – Anti Discrimination Act 1977 -
http://www.legislation.nsw.gov.au/maintop/view/inforce/act+48+1977+cd+0+N

ACT – Discrimination Act 1991 - http://www.legislation.act.gov.au/a/1991-81/current/pdf/1991-81.pdf

QLD - Anti Discrimination Act 1991 - http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf

SA – Equal Opportunity Act 1984 - http://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984/CURRENT/1984.95.UN.PDF

WA - Equal Opportunity Act 1984 http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_305_homepage.html

TAS - Anti Discrimination Act 1998 - http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=46%2B%2B1998%2BAT%40EN%2B20120518000000;histon=;prompt=;rec=;term=#Anti-Discrimination%20Act%201998

NT - Anti Discrimination Act 1992 http://www.austlii.edu.au/au/legis/nt/consol_act/aa204/

5.0 Department of Human Services Victorian Child Protection Service

NSW – Family and Community Services - http://www.community.nsw.gov.au/

ACT – Department of Disability, Housing and Community Services
Care and Protection Services - http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection

QLD – Department of Communities, Child Safety and Disability Services - http://www.communities.qld.gov.au/childsafety/child-safety-services

SA - Department for Communities and Social Inclusion - http://www.dcsi.sa.gov.au/

WA – Department for Child Protection and Family Support - http://www.dcp.wa.gov.au/Pages/Home.aspx

TAS – Department of Health and Human Services - https://www.dhhs.tas.gov.au/children/child_protection_services

NT - Department of Health - http://www.health.nt.gov.au/

5.6 The Children Youth and Families Act 2005

NSW – Children and Young Persons (Care and Protection) Act 1998 - http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N

ACT - Children and Young People Act 2008 - http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf

QLD - Child Protection Act 1999 - http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf

Commission for Children Young People and Child Guardian Act 2000 - http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CommisChildA00.pdf

SA - Children's Protection Act 1993 - http://www.legislation.sa.gov.au/lz/c/a/childrens%20protection%20act%201993/current/1993.93.un.pdf

WA - Western Australia Family Court Act 1997 - http://www.austlii.edu.au/au/legis/wa/consol_act/fca1997153/

TAS - Children, Young Persons and Their Families Act 1997 - http://www.dhhs.tas.gov.au/__data/assets/pdf_file/0018/122373/cyptf_act_1997_consolidated_291112.pdf

NT - Care and Protection of Children Act 2007 - vhttp://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/