

## CHILD PROTECTION AND SAFEGUARDING POLICY AND PROCEDURES 2023

Dated: 01 September 2023

Last amended: N/A

Signature:

Position:

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### PART 1 – CHILD PROTECTION AND SAFEGUARDING POLICY

#### **1 Name of policy**

This is the Child Protection and Safeguarding Policy and Procedures 2023.

#### **2 Commencement**

This policy commences the day after the day on which it is registered.

#### **3 Policy is binding**

- (1) Except to the extent that a contrary intention is expressed, this policy binds Navitas Australia Pty Limited (formerly named Study Group Australia Pty Limited) trading as Taylors College

Sydney (the College) staff, students and affiliates (including accommodation and caregiver providers).

- (2) This policy and its procedures apply to:
  - (a) international students under the age of 18 in connection with their study at the College for the duration of their Confirmation of Appropriate Accommodation and Welfare letter (CAAW) issued by Taylor's College.
  - (b) international students under the age of 18 who are not student visa holders.

## 4 Overview

- (1) This policy (and its procedures) outlines the College's commitment to providing for the safety, protection and wellbeing of all children (under the age of 18) in connection with their studies of an AEP course at the College.
- (2) Under a regulatory exemption, the College is permitted to admit AEP students who have reached the age of 16 prior to the commencement of their course. Younger students will not be admitted.
- (3) If the College becomes aware of a reportable allegation or reportable conviction involving its staff, affiliates, or the accommodation and caregiver providers to AEP students, the College will make immediate reports to the relevant personnel within Navitas, the University Partnerships Australasia and, if applicable, the University of Sydney (which has reportable conduct obligations under the Children's Guardian Act 2018). This applies at the time the College becomes aware of the reportable allegation or reportable conviction, not at the time it occurs.

## 5 Application

This policy (and its procedures) applies to students enrolled in an English Language Intensive Courses for Overseas Students (ELICOS) course by Study Group Australia Pty Limited (SGA) (CRICOS Provider Code: 01682E), trading as Taylor's College Sydney (the College), and to staff and affiliates of the College.

## 6 Definitions

<b>Accommodation provider</b>	means a person or organisation that is responsible for providing a student's accommodation during the period of their CAAW.
<b>Affiliates</b>	means consultants and contractors to the College, members of the College Committees; and any other persons appointed or engaged by the College.
<b>CAAW</b>	means a Confirmation of Appropriate Accommodation and Welfare letter issued by Taylor's College to approve a student visa holder's welfare and accommodation arrangements while under 18 years of age and while enrolled in an ELICOS course.
<b>Caregiver</b>	means a person or organisation engaged by a student's parents or legal guardians to provide support and welfare services to the student in Australia, while on a student visa.
<b>Child/children</b>	means, for the purpose of this policy, children under the age of 18 who: <ul style="list-style-type: none"><li>• ordinarily live in, or are currently present in NSW; or</li><li>• are subject to an event or circumstance that gives rise to a reportable allegation and is committed by a person who is a worker of Navitas Australia, the College, the university partners or its contracted accommodation providers or caregivers; or</li></ul>

- are otherwise subject to an event or circumstance in NSW that gives rise to a reportable allegation.

<b>Child-related work</b>	means work involving direct contact by a worker with a child under the age of 18 that is a usual part of their work, or work in a child-related role. It includes work to deliver education, residential services, mentoring, counselling and transport services. Child-related work may take place in a face-to-face setting or online.
<b>College</b>	means Taylors College Sydney, including its staff, affiliates and contractors.
<b>College Director</b>	means the most senior staff member for the College (or their delegate).
<b>CRICOS</b>	means Commonwealth Register of Institutions and Courses for Overseas Students.
<b>Critical incident</b>	<p>means a traumatic event, or the threat of a traumatic event, either on or off campus or on-line) that causes extreme stress, fear or injury to one or more students, such as significant disruption to the study routine (which might prevent a student from completing or continuing with the course), an emergency management situation, or threat to the safety of students and staff.</p> <p>Critical incidents include but are not limited to:</p> <ul style="list-style-type: none"><li>• missing students</li><li>• severe verbal or physical aggression</li><li>• critical mental health episodes</li><li>• drug or alcohol abuse</li><li>• domestic violence</li><li>• physical, sexual or other abuse or assault</li><li>• death, serious injury or any threat of these</li><li>• serious accidents</li><li>• fire or natural disaster.</li></ul>
<b>Delegate</b>	means a person who has been authorised to perform a specific responsibility.
<b>Department of Home Affairs (DHA)</b>	means the Australian Government department responsible for issuance of student visa and provision of student visa services ( <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a> ).
<b>eCoE</b>	means an electronic Confirmation of Enrolment (eCoE) issued by an education provider to verify a student's enrolment in a course.
<b>Education Agent</b>	means a person or organisation (within or outside Australia) who recruits overseas students and refers them to education providers.
<b>Enrolment</b>	means confirmed acceptance into an AEP course where a student is progressing towards the completion of the course requirements.
<b>ESOS Act</b>	means the Education Services for Overseas Student Act 2000 (Cth).
<b>International student/overseas student</b>	means a person (whether physically located within or outside Australia) who holds or needs a visa with rights to study in Australia, and who has the right to enrol at the College.

<b>National Code 2018</b>	means the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under subsection 33(1) of the ESOS Act to provide nationally consistent standards for the conduct of registered providers and the registration of their courses.
<b>NSW Office of the Children's Guardian (OCG)</b>	means the government agency which manages Working with Children Checks (WWCCs) in New South Wales and receives reports of child abuse
<b>Reportable allegation</b>	means an allegation that a person has engaged in conduct that may be reportable conduct. If the person is required to hold a WWCC, this includes conduct that occurs outside the course of the person's employment.
<b>Reportable conduct</b>	means reportable conduct as defined under the Children's Guardian Act 2019: <ul style="list-style-type: none"><li>• a sexual offence</li><li>• sexual misconduct</li><li>• ill-treatment of a child</li><li>• neglect of a child</li><li>• an assault against a child</li><li>• an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and</li><li>• behaviour that causes significant emotional or psychological harm to a child.</li></ul>
<b>Reportable conviction</b>	means a conviction (including a finding of guilt without the court proceeding to a conviction) of an offence involving reportable conduct
<b>Student Non-Academic Misconduct Panel</b>	means the panel formed by the College Director or delegate to make decisions regarding allegations of student misconduct.
<b>Student Support Team</b>	means the team who identify and provide ongoing support with overall responsibility for student support needs, and usually the first point of contact for various student needs such as administration, academic and attendance requirements, welfare, student support and translation assistance.
<b>University of Sydney Preparation Programs (USPPs)</b>	means the non-award pathway programs offered by the University of Sydney and delivered by Navitas Australia trading as Taylors College Sydney. They include the University of Sydney Foundation Program (USFP) and the High Achievers Preparation Program (HAPP).
<b>Visa Entitlement Verification Online system (VEVO)</b>	means the Australian Department of Immigration system for checking visa conditions.
<b>Voluntary Reporting</b>	means when the College Director or delegate makes a voluntary report to the NSW Department of Communities and Justice that they consider a student aged 16 or 17 to be at risk of significant harm.
<b>Working with Children Check clearance (WWCC)</b>	means an authorisation from the NSW Office of the Children's Guardian to engage in child-related work.

## 7 General principles

- (1) This policy (and its procedures) is based on the following broad principles promoted and upheld by the College:
  - (a) Always act in the best interest of all our students, recognising the particular protection needs of students under the age of 18.
  - (b) Meet the Australian and New South Wales regulatory requirements on child welfare and protection.
  - (c) Provide a safe environment and be vigilant, by recognising and acting to ensure the particular protection needs and our legislative responsibilities to students under the age of 18 are met.
  - (d) A zero-tolerance approach to child exploitation, abuse and any reportable conduct. For the purposes of this policy, this includes the possession, production and/or distribution of child pornography or any other child exploitation material.
  - (e) Swiftly and efficiently identify and report misconduct, non-compliance, and/or child protection concerns.
  - (f) Apply the principles of procedural fairness when dealing with all matters concerning the application of this policy and its procedures.
  - (g) A fair and transparent approach towards assessments and investigations, information provision and handling, and to all processes and decisions concerning people involved with and working with students under the age of 18.
  - (h) Regularly evaluate and continuously improve our approach and practices with regards to child protection, safeguarding and welfare, in both physical and online environments.
  - (i) Promote and act on the importance of child protection, safeguarding and welfare across all College activities as a legal, compliance and ethical requirement of good business practice.
  - (j) Ensure that College staff and affiliates understand the need to act as positive role models of students in all settings.
  - (k) Will not knowingly engage, directly or indirectly, with any individual or organisation, within or outside Australia, who poses an unacceptable risk to children, including the risk of modern slavery.

## 8 Records Management

Records in association with this policy will be kept in accordance with the Records Management Policy and Procedures. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

## PART 2 – CHILD PROTECTION AND SAFEGUARDING PROCEDURES

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### 9 Practices for creating a safe environment

- (1) The College will:
  - (a) take all reasonable steps to ensure a safe environment for students under the age of 18.
  - (b) take immediate action regarding any indicated, observed, reported, or alleged concern for the welfare, safety and protection of students under the age of 18.
  - (c) promote awareness and provide training on child protection for all members of staff.

- (d) provide students with an awareness of child protection issues, including age and culturally appropriate information on who to contact in emergency situations and how to seek assistance and disclose or formally report any incident or allegation of sexual, physical or other abuse.
- (e) foster a safe, respectful, supportive and inclusive environment; and provide opportunities for students under the age of 18 to connect, build relationships, develop social and cultural networks and access age-appropriate information and services on child well-being and protection.
- (f) provide students with accessible information and advice on issues impacting student lives, including making positive choices, harm and risk minimisation, drug and alcohol use, reproductive health, domestic violence, and respectful relationships.
- (g) provide students with accessible counselling and support options, including who to contact when seeking help.
- (h) take all reasonable steps to ensure that all students and staff are treated in accordance with the College's values, policies and procedures.

## 10 WWCCs

- (1) Mandatory WWCCs are required for all members of staff and affiliates at the College who engage in child-related work, including all teachers. The College's procedures for obtaining and monitoring the currency of WWCCs are set out in the Navitas Police Checks and Working with Children Checks (Australia) Policy.
- (2) Accommodation and welfare providers must also comply with WWCC requirements.

## 11 Training and awareness of policy

- (1) The College Director will ensure that training is provided to all members of staff in their College on how to identify and/or respond to disclosures of abuse and report a critical incident or breach.
- (2) The Navitas Code of Conduct sets out the minimum standards required of all individuals who work within or for Navitas Australia or the College. This contains:
  - (a) clear guidance on appropriate communication and contact between staff and students,
  - (b) clear guidance on how to structure one-to-one meetings with students, if required,
  - (c) a direction to staff not to enter into personal relationships with students, and
  - (d) a direction to staff not to record images of students on personal devices and to ensure that any images recorded on work devices as part of College activities are only used for authorised purposes with explicit written consent.
- (3) In addition to the Navitas Code of Conduct requirements, the College prohibits staff from accommodating students in their homes and from providing private tutoring.

## 12 Reporting to the College

- (1) Students should seek support from the Student Support Team if they have any concerns about their personal health, safety or welfare. Students will be provided with opportunities to participate in decisions that affect their lives, and their diverse needs will be taken into account.
- (2) Students are strongly encouraged to report any suspected child abuse, exploitation or reportable conduct that is impacting another student.
- (3) Students may phone, visit or email the Student Support Team, or make a report using a Student Complaints Form, using the process set out in the Student Complaints and Appeals

Policy and Procedures. The Student Support Team can be contacted on +61 407663989 or email [taylorstudenthelp@navitas.com](mailto:taylorstudenthelp@navitas.com).

- (4) Staff and affiliates must report any suspected child abuse, exploitation or reportable conduct immediately to the College Director even where the allegation may seem trivial, minor or lacking evidence. Staff and affiliates should follow the process set out in the Critical Incidents Involving Students Policy and Procedures.
- (5) The College will provide a supportive and child focused response to complaints of abuse. Once a report is received, the College will remove or minimise any obvious risk to students under 18 years of age.
- (6) Investigations will be conducted as quickly as possible, and ideally within 25 calendar days. Where it is not possible to complete an investigation within 25 calendar days, the College will provide an estimated timeframe for resolution. Information will be provided to Navitas, those involved in the allegation(s) and, if applicable, the university partner.
- (7) Investigations will be planned so that to the extent possible, the following matters will be identified and documented: facts and circumstances, evidence, analysis of evidence and the actions taken and planned. The College will make a finding and provide a rationale for that finding.
- (8) Staff, students and affiliates who are unsatisfied with the management of a report of child protection matter can contact the OCG for information and advice.

## 13 Reporting by the College

- (1) The College Director or delegate will advise relevant personnel within Navitas Australia and the College within 48 hours after becoming aware of any reportable allegations or reportable convictions involving College staff, affiliates, or the accommodation and welfare providers to the College's students, or earlier if practicable.
- (2) All allegations will be investigated in line with the College's policies and the relevant legal obligations for protecting children. The College may seek advice and guidance relating to investigations from Human Resources and/or external agencies.
- (3) Investigations will be conducted consistent with procedural fairness. A fair, transparent and appropriate approach will be taken to investigations, information provision and handling, and to all processes and decisions concerning people involved with reportable allegations.
- (4) If there is a critical incident involving students under 18, the College Director will follow Critical Incidents Involving Students Policy and Procedures, including notifications of relevant critical incidents to NSW Police, NSW agencies and other relevant Commonwealth agencies within 24 hours.
- (5) If an allegation of sexual misconduct or sexual harassment is made, the College will implement the procedures set out in the Sexual Misconduct Policy and Procedures, the Student Code of Conduct and/or Staff Code of Conduct as relevant.
- (6) The College will ensure it meets its reportable conduct obligations by providing records of its investigations. Information will be shared to the University of Sydney, where necessary, as the principal provider of the course if the case involved a USFP packaged student.
- (7) Refer to the Sexual Misconduct Policy and Procedures for details of when the College Director or delegate may make a voluntary report to the NSW Department of Communities and Justice where there are reasonable grounds to suspect a young person (16 or 17 years) is at risk of significant harm.

## **14 Accommodation, support and general welfare arrangements for students under 18 who are student visa holders**

- (1) The College will only enrol international students under the age of 18 if their accommodation, support and welfare arrangements meet the requirements of the Accommodation and Caregiver Policy and Procedure.
- (2) Where the College takes responsibility for issuing a CAAW, the College Director or delegate will:
  - (a) Inform the DHA of the nominated dates for which responsibility has been accepted for approving the student's accommodation, support and general welfare arrangements;
  - (b) ensure any adults involved in or providing accommodation and welfare arrangements to the student have WWCCs;
  - (c) provide staff and students under 18 with relevant information on how to report critical incidents, manage emergency situations and handle welfare arrangements if they are disrupted for students under 18 years of age;
  - (d) maintain up-to-date records of the student's contact details including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare;
  - (e) inform the DHA within 24 hours if the College is no longer able to approve the student's welfare arrangements; and
  - (f) will make arrangements to cancel the CAAW as required by the National Code 2018 as soon as practicable if the student will be cared for by a parent or nominated relative approved by DHA and a CAAW is no longer required.
- (3) By issuing a CAAW, the College does not take over legal responsibility for a student. The student's parent(s)/legal guardian(s) remain at all times legally responsible for the student.
- (4) Where the College is no longer able to approve the welfare arrangements of a student, the College Director or delegate must make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.
- (5) If the College Director or delegate is unable to contact a student and has concerns for the student's welfare, the College Director or delegate will make all reasonable efforts to locate the student, including notifying the police, the caregiver and any other relevant Commonwealth, state or territory agencies as soon as practicable, and parents/ legal guardians.
- (6) Where the College is responsible for the accommodation, support and general welfare arrangements of a student under the age of 18, if the College suspends or cancels the enrolment of the student, the College will continue to approve the welfare arrangement for the student until evidence is provided or either:
  - (a) the student has alternative welfare arrangements approved by another registered provider,
  - (b) care of the student by a parent or nominated relative is approved by the DHA,
  - (c) the student leaves Australia and a VEVO check confirms this,
  - (d) the College has notified the DHA under Standard 5.3.6 of the National Code that The University of Sydney is no longer able to approve the student's welfare arrangements or under Standard 5.5 of the National Code that it has taken the required action after not being able to contact the student.
- (7) If the College enrolls a student under the age of 18 who has welfare arrangements approved by another registered provider, the College Director or delegate will inform the student the receiving registered provider must:
  - (a) negotiate the transfer date for welfare arrangements with the College to ensure there is no gap; and
  - (b) inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.



## 15 Quality assurance and continuous improvement

- (1) The College's senior leadership team will work in collaboration with the Compliance and Quality team to strengthen quality assurance processes and make continuous improvement to child protection risk mitigation, information/data management, incident management responses and support service provision.

## 16 Rescissions and replacements

This document replaces the following, which are rescinded as from the date of commencement of this document:

Nil

## NOTES

Child Protection and Safeguarding Policy and Procedures 2023

Date adopted: 06 September 2023

Date registered: 06 September 2023

Date commenced: 18 September 2023

Administrator: Principal Executive Officer

Review date: At least once every 5 years from the date of commencement.

Rescinded documents: Not applicable

Related documents:

- (1) *Child Protection (Working with Children) Act 2012 (NSW)*
- (2) *Child Protection (Working with Children) Regulation 2013 (NSW)*
- (3) *Children and Young Persons (Care and Protection) Act 1998*
- (4) *Children's Guardian Act 2019 (NSW)*
- (5) *Competition and Consumer Act 2010 (Cth)*
- (6) *Corporations Act 2001 (Cth)*
- (7) *Crimes Act 1900 (NSW)*
- (8) *Criminal Code Act 1995 (Cth)*
- (9) *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*
- (10) *Education Services for Overseas Students Regulations 2019 (Cth)*
- (11) *ELICOS Standard 2018*
- (12) *Modern Slavery Act 2018 (Cth)*
- (13) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)
- (14) *Privacy Act 1988 (Cth)*
- (15) Child Safe Standards NSW, recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse
- (16) Accommodation and Caregiver Policy and Procedure
- (17) Agent Management Policy

- (18) Critical Incidents Involving Students Policy and Procedures
- (19) Navitas Anti-Discrimination and the Prevention of Harassment, Vilification and Bullying Policy
- (20) Navitas Code of Conduct
- (21) Navitas Police Checks and Working with Children Checks (Australia)
- (22) Records Management Policy and Procedures
- (23) Safety and Wellbeing of Under 18 Students Policy and Procedure
- (24) Student Code of Conduct
- (25) Student Complaints and Appeals Policy and Procedures
- (26) Student Disability Policy and Procedures
- (27) Student Enrolment Terms and Conditions
- (28) Student Misconduct Policy and Procedures
- (29) Student Privacy Policy
- (30) Student Sexual Misconduct and Sexual Harassment Policy and Procedures