

## **POLICY: SAFEGUARDING**

### **Introduction**

1. Waterford Kamhlaba is committed to providing students and staff with a safe, productive and supportive school environment. The safety and wellbeing of students in the care of the College is paramount, regardless of age.
2. Members of the community are expected to treat each other with respect and dignity.
3. Programs that encourage tolerance, respect and positive social behaviour are implemented. Deliberate efforts are made to model and teach coping and mediation skills.
4. The active support of students, staff (both paid and unpaid) is required to provide a healthy and caring community. This involves:
  - 4.1. Quality interaction between members of staff and students at all times.
  - 4.2. Ongoing discussion to improve the healthy and caring nature of community life.
  - 4.3. All staff to participate in relevant safeguarding training, including refresher courses.
  - 4.4. All students to participate in education programs relating to safeguarding.

### **Definitions**

5. Sexual abuse: Sexual abuse is when someone is forced or coerced to take part in any activity that has sexual intent by the perpetrator.
  - 5.1. Sexual abuse includes any sexual activity involving:
    - 5.1.1. An adult (regardless of role) and a student (regardless of age)
    - 5.1.2. An adult (regardless of role) or a student and a child who is not a student
    - 5.1.3. Non-consensual contact or interaction between a student and another student
    - 5.1.4. The age of consent in Swaziland is 18 years old. Any sexual activity below this age is considered abuse.
  - 5.2. Sexual abuse may also include physical or non-contact activities (for example inappropriate communications) involving students / children looking at pornography or inappropriate displays of nudity.
  - 5.3. Students over the age of consent: Any actions by any staff (paid, unpaid, part-time or full-time), external contractors, and link families which would be considered abusive to a student under the age of consent are, for the purposes of the College, to be considered abusive even if the student is over the age of consent and maintains that consent was freely given. The reason for this is the position of trust and unequal balance of power of staff and students.
6. Physical abuse:
  - 6.1. Any physical action that can result in injury (including emotional injury).
  - 6.2. Corporal punishment: it is illegal in Swaziland and prohibited at Waterford.
7. Emotional abuse: any action or series of actions (generally understood as ill-treatment) which cause or are likely to cause severe and persistent effects on the student's emotional development.
8. Abuse by neglect: the persistent failure to meet a child's basic physical and / or psychological needs resulting in serious impairment of health and / or development.

### **Safeguarding at Waterford Kamhlaba**

9. Staff recruitment: all full and part-time employees (coaches, music teachers, volunteers, etc.) will abide by safe recruitment practices which includes:
  - 9.1. Obtaining a police clearance certificate from the country in which the applicant previously worked. Such certificate is to be resubmitted every five years.
  - 9.2. A declaration of any breaches of safeguarding policies and / or legislation from any prospective employees.

- 9.3. A declaration of any breaches of safeguarding policies and / or legislation from 3 references, including the prospective employee's previous employer.
- 9.4. A job offer will not be made or will be immediately withdrawn if a prospective employee has any record of any breach of any safeguarding policy or regulation
- 9.5. Employees living on campus will be required to ensure spouses, partners and other adults (including children over 18) and employees living and / or working in their home will be required to abide by the above safe recruitment practices.
10. Members of the Governing Council and any of its committees, the PSA, any external contractors and adult link family members are required to obtain police clearance certificates (resubmitted every five years) and declarations as stated above.
11. Legal requirements and compliance:
  - 11.1. In compliance with the "Swaziland Children's Protection and Welfare Act of 2012" and the "Sexual Offences and Domestic Violence Act, 2018" all employees (both paid, unpaid and contractors) of the College are mandatory reporters of any case of abuse, whether or not the alleged act takes place at school. In practice it means that the first person that receives the information of alleged abuse is required to report to the safeguarding authorities. A statutory institution called The One Stop Centre has been established for this purpose at the Mbabane Magistrate's Courts.
  - 11.2. It is possible that the College will receive allegations against a member of the public or against a member of the accused person's own family. Any employee who receives such information or suspects such abuse is legally obliged to report as described above.
  - 11.3. A Safeguarding Officer, appointed by the College's principal, will have oversight and responsibility for ensuring that the Safeguarding Policy and associated procedures are in place and operate in practice and provide reports as required.
12. The chairperson of the Governing Council shall ex officio act as the governor responsible for oversight of all abuse concerns.
13. All visitors to the College campus will be required to sign in at the College gates and be issued with a Visitors Pass which will be visible at all times while on campus. This requirement could be waived in certain circumstances by the Principal.

#### **Reporting and investigating allegations of abuse**

14. Any allegations of such threat, perceived or actual will be investigated thoroughly:
  - 14.1. For students according to the Code of Conduct for Students published in the General Information Booklet (GIB).
  - 14.2. For any staff (including any external contractors), according to the College's employment policies, in particular the Staff Disciplinary Procedure.
15. All members of the College community must be vigilant, proactive and responsive if they have reason to believe that any student may be at risk of abuse.
16. In light of any risk, action must be taken within 48-hours of becoming aware of any abuse. This includes:
  - 16.1. A report being made to the authorities by the first person to have received the information of alleged abuse, with the support of the Safeguarding Officer.
  - 16.2. Action to address any risk, even if unproven at that stage, must be taken to keep the alleged victim safe. This may involve the suspension or removal of any person about whom concerns have been raised.
17. The person against whom the concerns or allegations have been reported will be afforded due process and confidentiality will be maintained to the extent practicable and appropriate to protect the privacy of all persons concerned. A person against whom allegations have been made retains all rights afforded in law.

18. It is possible that some students who have been the victim of abuse may not report the incident for a variety of reasons, including anxiety, embarrassment and fear. The College wishes to protect all its community members, but if students choose not to report that they have been intimidated, harassed or abused, they must be aware that the College may not be able to offer the protection it wishes.
19. It is also important that all members of the College community are protected against false allegations or malicious rumours. Malicious false allegations will be regarded as harassment and may be dealt with according to the Code of Conduct for students or the Staff Disciplinary Procedure.
20. When a complaint has been made retaliation against the person making the complaint or against others who cooperate in a school investigation is prohibited.

#### **General guidelines**

21. It is the responsibility of staff to keep high standards of behaviour in order to protect children from abuse and at-risk situations, and to protect them from unwarranted suspicion. As the College community is composed of diverse cultures with differing norms, discretion should be used. No person should be made to feel uncomfortable by being forced into or exposed to a close level of intimacy.
22. It is good practice for a member of staff to compile a written record of any meeting with a student where that student divulges information of a sensitive nature, including harassment or abuse, whether or not the author of that harassment is a member of the College community. This should be done as soon as possible after such a meeting, including as protection in the case of litigation against the accused perpetrator who received such information and litigation against the College. Such notes should be kept permanently as cases may be raised years or even decades after alleged offences.
23. Staff, members of GC and any committees, and the PSA, are to declare annually any existing relationships with students and/or their families which could constitute a conflict of interest or place the staff member or student in a position of compromise.

#### **Policy approval and review**

24. This policy is approved by the Central Management Group (CMG) and by Governing Council.
25. It is reviewed on an annual basis.

**Approved by CMG: 2006-10-12**  
**Reviewed and amended by CMG: 2014-11-10**  
**Reviewed and amended by CMG: 2018-02-16**  
**Reviewed and amended by CMG: 2018-11-16**  
**Approved by Governing Council: 2018-11-17**  
**Amendment approved by Governing Council: 2019-02-04**