Child Safe Policy

Date of policy: 20th October 2016

Date of last major review: 20th October 2016

Date of next major review: 20th October 2017
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Bolinda Primary School
Child Safe Policy – (ratified by School Council 20th October 2016)
1. **Introduction**

Bolinda Primary School is rather unique. Due to our geographical location, we are able to provide an alternative education choice to the wider community. Bolinda provides a secure learning environment and a rewarding curriculum that strives to meet the needs of individual students; each student has an individual learning plan tailored to their opportunities for improvement. There are three full time teachers with an overall ratio of less than 15 students per teacher and two part time teacher aides. Parent Opinion Survey results indicate higher than average satisfaction and has for many years.

The rural outlook of the school engenders pride, warmth, a sense of belonging and a strong partnership between home and school. The school currently has 37 students working in three multi-age classes within three flexible learning spaces. The school provides an educationally challenging learning and teaching program. It currently integrates the domains and dimensions of ‘The Australian Victorian Essential Learning Standards’ (AusVels) with a strong emphasis on Early Years Literacy, English, Mathematics, Health and Physical Education, Information and Communication Technology, Science, The Arts and Languages (French) and will implementing the Victorian Curriculum in 2017. Students are also able to participate in a range of inter-school sports including cross country, athletics, tennis, netball and basketball. The Stephanie Alexander Kitchen Garden Program caters for year 3-6 students throughout the year.

We also belong to a cluster of small rural schools. This cluster provides students with opportunities to broaden academic and social activities as well as teacher professional development opportunities which further extend learning and teaching skills.

2. **Purpose of the Policy**

The purpose of this policy is to demonstrate the strong commitment of Bolinda Primary School to the care, safety and wellbeing of all students at our school. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.

This policy applies to school staff, including school employees, volunteers, contractors and clergy.
3. Principles
State schools have a moral and legal responsibility to create nurturing school environments where children and young people are respected, their voices are heard and they are safe and feel safe.

The following principles underpin our commitment to child safety at Bolinda Primary School:

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our school works in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers.
- All adults in our school, including teaching and non-teaching staff, volunteers and contractors as well as the broader school community have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and children and young people.
- Policies and practices demonstrate compliance with legislative requirements and cooperation with governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, volunteers, contractors, parents/guardians and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.
4. Definitions used in this Policy

Child: A child or a young person enrolled as a student at the school.

Child abuse includes:
(a) any act committed against a child involving:
   (i) a sexual offence
   (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming)
(b) the infliction, on a child, of:
   (i) physical violence
   (ii) serious emotional or psychological harm
(c) serious neglect of a child. (Ministerial Order No. 870)

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. (Ministerial Order No. 870)

Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. (Safe Schools Hub)

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. (Safe Schools Hub)

Child protection: Statutory services designed to protect children who are at risk of serious harm. (Safe Schools Hub)

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.
Child sexual abuse can also be:
- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
● non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. (Safe Schools Hub)

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. (Safe Schools Hub)

**Reasonable Belief:** When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a ‘reasonable belief’. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

**School environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:
(a) a campus of the school
(b) online school environments (including email and intranet systems)
(c) other locations provided by the school for a child’s use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). (Ministerial Order No. 870)

**School staff** means an individual working in a school environment who is:
(a) directly engaged or employed by a school governing authority
(b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) (Ministerial Order No. 870)
5. **Policy Commitments**

All students enrolled at *Bolinda Primary School* have the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. Bolinda Primary School will have a **zero tolerance to child abuse**. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

**Our commitment to our students**

(a) We commit to the safety and wellbeing of all children and young people enrolled in our school.
(b) We commit to providing children and young people with positive and nurturing experiences.
(c) We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
(d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
(e) We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
(f) We commit to seeking input and feedback from students regarding the creation of a safe school environment.

**Our commitment to parents and guardians**

(a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
(b) We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures.
(c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
(d) We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.
(e) We commit to continuously reviewing and improving our systems to protect children from abuse.

**Our commitment to our school staff (school employees, volunteers, visitors and contractors.)**

(a) We commit to providing all *Bolinda Primary School* staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
(b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people’s protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
(c) We commit to listening to all concerns voiced by *Bolinda Primary School* staff, volunteers, and contractors about keeping children and young people safe from harm.

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Bolinda Primary School
Child Safe Policy – (ratified by School Council 20th October 2016)
(d) We commit to providing opportunities for Bolinda Primary School employees, volunteers and contractors to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

6. Responsibilities and Organisational Arrangements

Everyone employed or volunteering at Bolinda Primary School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make.

The school has allocated roles and responsibilities for child safety as follows:

6.1 Guide to Responsibilities of School Leadership

The principal, the school governing authority and school leaders at Bolinda Primary School recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people’s protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.

6.2 Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers and contractors) include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal school processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
● undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
● assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
● following the school’s Child Safety Code of Conduct.

6.3 Organisational Arrangements

At Bolinda Primary School the child safety organisation arrangements are:

- All staff supporting and overseeing student welfare and wellbeing in the school.
- Accessing the SSSO (Student Support Service Officers) program should students require extra support.
- A budget allocation to enable regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- Use of school website and newsletter to remind and to keep parents and carers informed of child safety commitments, procedures and arrangements

7. Expectation of our School Staff – Child Safety Code of Conduct

At Bolinda Primary School community, we expect school employees, volunteers and contractors to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements. We have developed a Child Safety Code of Conduct (Appendix 1), which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees, volunteers and contractors for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects school staff through clarification of acceptable and unacceptable behaviour.

8. Student Safety and Participation

At Bolinda Primary School, we actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.
9. Reporting and Responding

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report.

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Our school's *Child Protection – Reporting Policy (Appendix 2)*, updated on 13th October 2016, sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief’ is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Our school has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

Our complaints and disclosure processes are outlined and detailed in the following policies and procedures:

- *Addressing Community Concerns and Complaints*
- *Anaphylaxis Management Policy*
- *Duty of Care Policy*
- *First Aid Policy*
- *Health Care Policy*
- *Mandatory Reporting Policy and Procedures*
- *Student Engagement and Wellbeing Policy*
- *Visitors Policy*
10. **Screening and Recruitment of School Staff**

*Bolinda Primary School* will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school’s Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- confirm the applicant’s Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant’s history of work involving children
- obtain references that address the applicant’s suitability for the job and working with children.

We have processes for monitoring and assessing the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

11. **Child Safety – Education and Training for School Staff**

*Bolinda Primary School* provides employees and volunteers with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

**Staff Induction specifically includes:**

- familiarisation with this Child Safety Policy and its many implications
- familiarisation with and a signed commitment to the *Bolinda Primary School* Child Safety Code of Conduct
- training about child protection reporting obligations, protocols for receiving/recording complaints
- training and familiarisation around all the school’s policies, codes, practices, and procedures governing child safety and child-connected work
- understanding of supervision arrangements that are in place for all staff who engage in child-connected work
Staff Professional Learning provides opportunities for staff (and where appropriate, volunteers) to:
● maintain, develop and improve skills and capabilities around child safety, including relevant legislative requirements
● develop understanding of the risk of harm to children; the different types of harm; and how to identify grooming and abuse
● understand and build confidence around their reporting obligations
● complete the Department of Education online modules i.e. mandatory reporting

12. Risk Management
At Bolinda Primary School we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

13. Relevant Legislation
• Children, Youth and Families Act 2005 (Vic.)
• Working with Children Act 2005 (Vic.)
• Education and Training Reform Act 2006 (Vic.)
• Equal Opportunity Act 2010 (Vic.)
• Privacy Act 1988 (Cth)
• Crimes Act 1958 (Vic.) – Three new criminal offences have been introduced under this Act:
  a) Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
  b) Failure to protect offence: The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
  i) Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.
14. Related Policies

14.1 Department of Education Policies

- Policy 2.2: Guidelines Relating to the Employment of Staff
- Policy 2.19: Child Protection – Reporting Policy
- Policy 2.19a: School Guidelines – Police and DHHS Interview Protocols
- Ministerial Order 199
- Mandatory Reporting
- Department of Education Legislation

14.1 School Policies

- Addressing community concerns and complaints
- Anaphylaxis management policy
- Duty of care policy
- First aid policy
- Health care policy
- Mandatory reporting policy and procedures
- Student engagement and wellbeing policy
- Visitors policy

15. Breach of Policy

Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy, Bolinda Primary School may start the process under Complaints, Misconduct and Unsatisfactory Performance guidelines for managing employment concerns. This may result in disciplinary consequences.

Where the principal is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Regional Director. Relevant notification should also be made to the Department of Education and Training.

Where any other member of the school community is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with Department of Education (Conduct and Ethics Branch and Legal Branch) and Department of Health and Human Services (DHHS).
16. **Review of this Child Safety Policy**

At *Bolinda Primary School* we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

We will maintain a history of updates to the policy.

**History of Updates to Policy**

<table>
<thead>
<tr>
<th>Date</th>
<th>Comment (e.g. major review, minor review)</th>
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<tbody>
<tr>
<td>20/10/2016</td>
<td>Initial creation of Policy in alignment with Department Guidelines and ratified by School Council</td>
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</tbody>
</table>
17. References

Responding to allegations of student sexual assault

www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1

Government Schools Website:
www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards


Victorian Institute of Teaching For Victorian Teaching Profession Codes of Conduct and Ethics and information about employee responsibilities to report action against registered teachers in response to allegations and concerns about registered teachers.

Website: www.vit.edu.au
Evaluation:

In addition to the annual evaluation of this policy's effectiveness of the implementation of its risk controls. This policy will be reviewed as part of the school's four-year review cycle (Next due at Bolinda Primary School in 2018).

<table>
<thead>
<tr>
<th>Date Implemented</th>
<th>October 2016</th>
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<tbody>
<tr>
<td>Author</td>
<td>Acting Principal – Stuart Telford</td>
</tr>
<tr>
<td>(To be )Ratified By</td>
<td>School Council – 20th October 2016</td>
</tr>
<tr>
<td>Date Reviewed</td>
<td>October 2016</td>
</tr>
<tr>
<td>Responsible for Review</td>
<td>Principal</td>
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<tr>
<td>Review Date</td>
<td>October 2017</td>
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<tr>
<td>Companion Policies</td>
<td>Addressing community concerns and complaints</td>
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<td>Anaphylaxis management policy</td>
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<td>Mandatory reporting policy and procedures</td>
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<td>Student engagement and wellbeing policy</td>
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<td>Visitors policy</td>
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<td>Related DET policies</td>
<td>Police and DHS Interviews</td>
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<td></td>
<td>Responding to Student Sexual Assault</td>
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<tr>
<td>Resources</td>
<td>There are services that can be contacted to access more information, and in some cases, to speak to somebody about your concerns.</td>
</tr>
<tr>
<td></td>
<td>CHILD SAFE STANDARDS – MANAGING THE RISK OF CHILD ABUSE IN SCHOOLS - Ministerial Order No. 870</td>
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<td></td>
<td>National Child Abuse Helpline (Child Wise) – 1800 991 099</td>
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<td></td>
<td>A toll-free number with access to expert advice from trained counsellors and an opportunity to speak up about child abuse.</td>
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</tbody>
</table>
References

Child Safe Standards

Victorian Government Schools Policy Advisory Guide

VRQA Child Safe Standards resources.
http://www.vrqanet.com.au/childsafestandards/Pages/resources.html
http://www.vrqavictoria.com.au/childsafestandards/Pages/resources.html

A step-by-step guide to making a report to Child Protection or Child FIRST

Protecting the safety and wellbeing of children and young people
APPENDIX 1

Safeguarding Children and Young People
Code of Conduct
Bolinda Primary School

Date of policy: 20th October 2016
Date of last major review: 20th October 2016
Date of next major review: 20th October 2017

Bolinda Primary School is a school where students are constantly exposed to explicit teaching, authentic learning, and high expectations. Students are challenged, excited, curious and engaged. They are given the skills to take responsibility for their own learning.

Bolinda Primary School is committed to the principles of democratic decision-making, the provision of a stimulating learning environment, contemporary teaching strategies, assessment and reporting and ongoing review and evaluation. The school aims to cater for the needs, abilities, talents and interests of all students in a secure, caring and stimulating environment (including all potential high risk activities such as camps, counselling, first aid, bus travel and students with high support needs). Academic success and personal development demands a high level of self-discipline and respect for learning which teachers encourage, nurture and expect.

The school believes that everyone at Bolinda Primary School has rights and responsibilities and a sound values-based education can strengthen students’ self-esteem, resilience and personal commitment, at the same time, develop their sense of ethical judgment and social responsibility.

The school VALUES explain how we should behave when you are at school.

School Values Are...

<table>
<thead>
<tr>
<th>LEARNING</th>
<th>RESPONSIBILITY</th>
<th>CO-OPERATION</th>
<th>RESPECT</th>
<th>COMMUNICATION</th>
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Bolinda Primary School
Child Safe Policy – (ratified by School Council 20th October 2016)
**Purpose**

This Code of Conduct has a specific focus on safeguarding children and young people at **Bolinda Primary School** against sexual, physical, psychological and emotional abuse or neglect. It is intended to complement other professional and/or occupational codes.

All staff, volunteers, contractors and school council members at **Bolinda Primary School** are expected to actively contribute to a school culture that respects the dignity of its members and follows the school's core values. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

**Acceptable behaviours**

All staff, volunteers, contractors and school council members are responsible for supporting the safety of children by:

- adhering to the school's child safe policy and upholding the school's statement of commitment to child safety at all times
- taking all reasonable steps to protect students from abuse
- treating everyone in the school community with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/or the safety of another child.
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification)
- promoting the cultural safety participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not alone with a child
- reporting any allegations of child abuse and/or child safety concerns to the school’s leadership
- understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe
- reporting to the Victorian Institute of Teaching, any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher, or certain allegations or concerns about a registered teacher
Unacceptable behaviours

All staff, volunteers, contractors and school council members must not:

- ignore or disregard any suspected or disclosed child abuse
- develop any ‘special’ relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment of specific children)
- exhibit or initiate behaviours with children that may be construed as unnecessarily physical contact (for example inappropriate sitting on laps)
- put children at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact which children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussion of a mature or adult nature in the presence of children (for example, personal, social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- have contact with a child outside or their family outside the school without the school’s leadership knowledge or consent of school council (for example, unauthorised after hours tutoring, private instrumental/other lessons or sport coaching) accidental contact, such as seeing people in the street, is appropriate (*Own family/relatives or existing long standing friendship teachers would be considered acceptable)
- have any online contact with the child (including by social media, email, instant messaging etc.) or their family (unless necessary e.g. by providing families with e-newsletters or assisting students with their school work)
- use any personal communication channels/device such as a personal email account
- exchange personal contact details such as phone number, social networking sites or personal email addresses
- photograph or video a child without the consent of the parent or guardians
- work with children whilst under the influence of alcohol or illegal drugs
- consume alcohol or drugs at school or school events in the presence of children
- follow school wide discipline policy when managing student behaviour

I, ________________________________, confirm I have been provided with a copy of the above Code of Conduct.

Signed: ________________________________ Date: __________
Introduction

Protection for children and young people is based upon the belief that the inherent dignity of all should be recognised and fostered.

Government schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Government school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.

Under the Ministerial Order 870, protecting children is everyone’s responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children’s services, exists to protect the safety and wellbeing of children and young people.

All school staff, as defined by Ministerial Order 870, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.
Purpose of this policy

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the recommendations of the Betrayal of Trust Report.

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a ‘reasonable belief’ is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.
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1. Children, Youth and Families Act 2005 (Vic.)

1.1. Mandatory Reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) (Act) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act, is any person 17 years of age or younger. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical, emotional, psychological, developmental harm or sexual abuse, and that the child’s parents are unwilling or unable to protect the child, must report that belief to DHHS Child Protection and the grounds for it as soon as possible after forming the belief. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief.

1.2. Forming a ‘reasonable belief’

When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a ‘reasonable belief’.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed if:
• a child states that they have been physically or sexually abused
• a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
• someone who knows a child states that the child has been physically or sexually abused
• a child or young person exhibits sexually-abusive or age-inappropriate behaviours
• professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
• signs of abuse lead to a belief that the child has been physically or sexually abused.

1.3 Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators must be reported.

It is mandatory to report concerns relating to:

• physical abuse
• sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

• emotional abuse
• neglect
• medical neglect
• family violence
• human trafficking (including forced marriage)
• sexual exploitation (including pornography and prostitution)
• risk-taking behaviour
• female genital mutilation
• risk to an unborn child
• a child or young person exhibiting sexually-abusive behaviours.

### 1.4 Reporting child protection concerns

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – **must** report their concerns to DHHS Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

**Child Protection** is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**Child FIRST** is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Mandatory reporters **must report their concern to DHHS Child Protection** if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse.

It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds, that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the police. Refer to and the.
1.5 When to make a mandatory report

<table>
<thead>
<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
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<tbody>
<tr>
<td>Mandatory Reporting - DHHS Child Protection</td>
<td><strong>Mandatory reporters</strong>&lt;br&gt;- Teachers registered to teach or who have permission to teach pursuant to the <em>Education and Training Reform Act 2006</em> (Vic.)&lt;br&gt;- Principals of government schools&lt;br&gt;- Registered medical practitioners&lt;br&gt;- Nurses</td>
<td>DHHS Child Protection&lt;br&gt;School Principal&lt;br&gt;Victoria Police if a belief is formed that a crime has been committed</td>
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1.6 When a report may be required, though not mandated

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<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
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<tbody>
<tr>
<td>Child in need of protection</td>
<td><strong>Teachers registered to teach or who have permission to teach pursuant to the <em>Education and Training Reform Act 2006</em> (Vic.)</strong>&lt;br&gt;- Principals of government schools&lt;br&gt;- Registered medical practitioners&lt;br&gt;- Nurses&lt;br&gt;- Any other school staff</td>
<td>DHHS Child Protection&lt;br&gt;School Principal&lt;br&gt;Victoria Police if a belief is formed that a crime has been committed</td>
</tr>
</tbody>
</table>
- The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.
The child’s physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

**Child in need of therapeutic treatment**
Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours. Contact Child FIRST if there is no significant concern about the immediate safety of the child.

**Significant concerns about wellbeing of a child**
School staff can seek advice from or make referral to DHHS Child Protection or Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised.
The staff member should share relevant information with Child FIRST to help them complete their assessment of the referral.

- Any other person

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<tr>
<th><strong>Contact</strong></th>
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<tbody>
<tr>
<td>DHHS Child Protection or Child First</td>
</tr>
<tr>
<td>School Principal</td>
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Significant concerns about wellbeing of a child

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1.7 Flowchart – Responding to a possible mandatory reporting concern

You are concerned about a child because you have:
- received a disclosure from a child about physical or sexual abuse or other types of abuse or neglect;
- observed indicators of physical or sexual abuse or other types of abuse or neglect;
- been made aware of possible harm via your involvement in the community external to your professional role.

Do your concerns relate to a child in need of immediate protection, or have you formed a belief that a child is at significant risk of harm? If your concerns relate to physical or sexual abuse, then it is mandatory to make a report – Yes/No. For some other concerns it is a requirement to contact Victoria Police (e.g. suspected grooming or failure to disclose and failure to protect).

YES

Contact your local Child Protection Intake provider to report a concern about physical or sexual abuse

**DHHS Child Protection**
Have notes ready with your observations and child and family details.

NO

Do you have other significant concerns that a child & their family need a referral to Child FIRST for family services?

YES

Consider level of immediate danger to the child.
1. Ask yourself:
   a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?
      YES/NO
   b) Am I in doubt about the child’s safety and the parent’s ability to protect the child?
      YES/NO

If you answered yes to a) or b), contact **DHHS Child Protection** to make a mandatory or protective report.

NO

Contact your **local Child FIRST provider**.
Have notes ready with your observations and child and family details.

**Note:**
Non-mandated staff are also able to report their concerns, and under the Crimes Act 1958 (Vic.) are legally obliged to report if a reasonable belief has been formed that a sexual offence has been committed in Victoria by an adult against a child.
2. Crimes Act 1958 (Vic.)

Three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- Failure to disclose, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- Failure to protect, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so
- Grooming, which targets communication with a child or their parents with the intent of committing child sexual abuse.

2.1 Failure to disclose

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence under section 327 of the Crimes Act 1958 (Victoria) and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

For further information about the ‘failure to disclose’ offence, see: section 327 of the Crimes Act 1958 (Victoria)

2.2 Failure to protect

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49C (2) of the Crimes Act 1958 (Vic.). In a school context this will include the principal and the business manager and may also extend to School Counsellors, heads of departments and heads of school.

For further information about the ‘failure to protect’ offence, see: section 49C (2) of the Crimes Act 1958 (Vic.)

2.3 Grooming

The offence of grooming prohibits predatory conduct designed to prepare or ‘groom’ a child for future sexual activity and is contained in section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the ‘grooming offence’, see: and the.

For more information about managing and responding to the risk of abuse, see: section 49B (2) of the Crimes Act 1958 (Vic.).
2.4 When to report criminal offences

This table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

<table>
<thead>
<tr>
<th>Types of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasonable belief that a sexual offence has been committed by an adult against a child under 16. Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. You will not be guilty of an offence if you do not report in the following circumstances:</td>
<td>Any person aged 18 or over All school staff as defined by Ministerial Order 870</td>
<td>School Principal DHHS Child Protection Victoria Police</td>
</tr>
</tbody>
</table>

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police.
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.
- Reasonable excuses for failing to comply with the requirement include:
  - a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information
  - a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.
### 3. How to make a report for mandatory reporting and criminal offences

The following information provides practical guidance in relation to record-keeping for both mandatory reporting and criminal offences.

#### 3.1 Making a report

In case of emergency or if a child is in life-threatening danger contact Triple Zero (000).

Additionally, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider (1300 664 977). If after hours call the [Child Protection Crisis Line on 13 12 78](https://www.dhhs.vic.gov.au/). The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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</table>
| 1.   | Keep comprehensive notes that are dated and include the following information:  
  - a description of the concerns (e.g. physical injuries, student behaviour)  
  - the source of those concerns (e.g. observation, report from child or another person)  
  - the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.). |
| 2.   | Discuss your concerns about the safety and wellbeing of students with the principal, a member of the school leadership team or member of the wellbeing team.  
  The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made. |
| 3.   | Gather the relevant information necessary to make the report. This should include the following information:  
  - full name, date of birth and residential address of the child or young person  
  - the details of the concerns and the reasons for those concerns  
  - the individual staff member’s involvement with the child or young person  
  - details of any other agencies which may be involved with the child or young person. |
| 4.   | **Make a report to the relevant agency:**  
  - To report concerns which are life-threatening **phone 000**  
  - To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. Visit the [for local contact numbers](https://www.police.vic.gov.au/). |
● To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection:
● Call your local Child Protection Intake provider immediately on 1300 664 977
● For After Hours Child Protection Emergency Services, call 13 12 78.

**Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.

5. Make a written record of the report including the following information:
● the date and time of the report and a summary of what was reported
● the name and position of the person who made the report and the person who received the report.

6. Notify relevant school staff of a report to DHHS Child Protection or Child FIRST.
● School staff should advise the principal or a member of the leadership team or wellbeing team if they have made a report.
● School leadership or wellbeing staff can seek further assistance by contacting the school contact Student Support Services Officer.

7. In the case of international students, the principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the principal must notify the Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student.

3.2 Potential consequences of making a report
This table describes the potential consequences of making a report.

<table>
<thead>
<tr>
<th>Potential consequence</th>
<th>Description</th>
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</table>
| Confidentiality       | The identity of a reporter must remain confidential unless:  
|                       | ● the reporter chooses to inform the child, young person or parent of the report  
|                       | ● the reporter consents in writing to their identity being disclosed  
|                       | ● a court or tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child  
|                       | ● a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence. |
| Professional Protection | If a report is made in good faith:  
|-------------------------|--------------------------------------------------|
|                         | ● it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter  
|                         | ● the reporter cannot be held legally liable in respect of the report.  
| Interviews              | DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent's knowledge or consent.  
Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner  
|                         | ● DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises  
|                         | ● When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person  
|                         | ● When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.  
| Support for the child or young person | The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:  
|                         | ● acting as a support person for the child or young person  
|                         | ● attending DHHS Child Protection case-planning meetings  
|                         | ● observing and monitoring the child's behaviour liaising with professionals.  
| Requests for Information | DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.  
In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.  

Bolinda Primary School  
Child Safe Policy – (ratified by School Council 20th October 2016)
Witness Summons

If DHHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings: see the Department of Education & Training website:

3.3 Related resources

Victorian Registration and Qualifications Authority

- www.vrqa.vic.gov.au

Department of Education and Training

- Responding to Allegations of Sexual Abuse
  - www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards

Related legislation

- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Victorian Institute of Teaching Act 2001 (Vic.).

Department of Health and Human Services


Victoria Police

Romsey Police Station, 155 Main Street, Romsey, 54295461

Ratification:

This Policy was ratified by the School Council on October 20, 2016