

Child Safe Policy and Code of Conduct

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Next Review:	September 2020
Responsibility of:	College Risk and Governance Coordinator
In Consultation with:	Head of Student Services
Ratification:	Risk Management Committee
Legal Check:	Cornwall Stodart September 2018

CHILD SAFE POLICY

Our commitment to child safety

Overnewton Anglican Community College (**the College**) is committed to child safety and maintaining a child safe school environment.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

We have **zero tolerance** of child abuse, and all allegations and safety concerns will be treated seriously and consistently with our policies and procedures.

We have legal and moral obligations to contact appropriate authorities when we are worried about a child's safety, which we follow rigorously.

Scope

This policy applies to all **school staff and volunteers** that work in the **school environment** and are engaged in **child-connected work**, and includes staff, volunteers, contracted service providers and ministers of religion.

We are committed to supporting, encouraging and enabling all staff, volunteers, parents and children to understand, identify, discuss and report child safety matters in a safe and confidential manner.

We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of indigenous children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

We are committed to a culture of transparency, accessibility and communication in relation to these policies and our specific policies, procedures and training that support our staff, volunteers and students to achieve these commitments.

Definitions

In this Policy, the following terms have the following meanings unless the context requires otherwise:

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.

Child abuse includes:

- Any act committed against a child involving:
 - A sexual offence; or
 - An offence of grooming; or
- The infliction, on a child, of:
 - Physical violence; or
 - Serious emotional or psychological harm; or
- Serious neglect of a child.¹

¹ *Child Wellbeing and Safety Act 2005* s3

The **school environment** means any physical or virtual place made available or authorised by the College for use by a child during or outside school hours, including a campus of the school, online school environments (email and intranet etc.) and other locations provided by the school for a child's abuse (locations used for school camps, sporting events, excursions, competitions and other events).

Types of Harm

Conduct that may constitute child abuse is subject but not limited to the following:

Physical Harm occurs when a child suffers, or is likely to suffer, significant harm from an injury inflicted by a child's parent, caregiver or any other person. It may be the consequence of punishment or physically aggressive treatment of a child.

Sexual Harm occurs when a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity.

Grooming refers to a situation where by words or conduct, there is communication with student with the intention of facilitating the child's engagement in or involvement in a sexual offence, whether or not there is a response made to the communication.

Emotional Harm occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Serious Neglect refers to a situation in which a child's parent or caregiver fails to provide the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be significantly harmed.

Legal responsibilities

Our College takes our legal responsibilities seriously and our commitments to a child safe environment are to be read in conjunction with the *Child Safe Standards – Managing the Risk of Child Abuse in Schools – Ministerial Order 870*.

In addition, the College has legal responsibilities under the *Crimes Act 1958* (Vic) including:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.²

² *Crimes Act 1958* s 327

- **Failure to protect:** People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.³

Furthermore, any personnel who are **mandatory reporters** must comply with their duties (*See Appendix A*). Any legal obligations under this policy do not abrogate or discharge a mandatory reporter from their duty.

Stakeholders

Our children

The safety of children in our care is paramount. We are committed to supporting and assisting children who disclose child abuse, or are otherwise linked to suspected child abuse.

This policy is intended to empower children to be vital and active participants at the College. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We are committed to promoting child safety in ways that are readily accessible, easy to understand and user-friendly to children.

We are committed to developing strategies to deliver age-appropriate education to our students about:

- standards of behaviour for students attending the school;
- healthy and respectful relationships (including sexuality);
- resilience; and
- child abuse awareness and prevention.

Our staff and volunteers

This policy guides our staff and volunteers on how to behave with children at the College.

All of our staff and volunteers must agree to abide by our Agreed Staff Expectations Policy, Community Code of Conduct for Adults and Child Safety Code of Conduct (*Appendix B*), which specifies the standards of conduct required when working with children. All staff and volunteers, as well as children and their families, are given the opportunity to contribute to the development of the Codes of Conduct.

Training and supervision

Through training and education, we will endeavour to ensure that everyone at the College understands that child safety is everyone's responsibility.

Our culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We regularly train all members of our teaching and education support staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

³ *Crimes Act 1958* s 49C

We also support our staff and volunteers through ongoing supervision to develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal/Indigenous children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

New employees and volunteers will be inducted into the College's policies, codes, practices and procedures governing child safety and child connected work. New employees and volunteers will be supervised regularly to ensure they understand the College's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate. Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

Recruitment and Human Resources Practices

The College understands that when recruiting staff and volunteers we have ethical as well as legislative obligations to child safety.

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements that clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities, setting out the job's requirements, duties and responsibilities regarding child safety and the job occupant's essential or relevant qualifications, experiences and attributes in relation to child safety. We will also endeavour to ensure all applicants for jobs that involve child-connected work are informed of the College's child safety practices, including the Agreed Staff Expectations Policy and Child Safety Code of Conduct (*Appendix B*).

We actively encourage applications from Aboriginal/Indigenous peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers and contractors are required to hold a Working with Children Check and to provide evidence of this Check.

In accordance with our Recruitment Policy and Procedures, we will make reasonable efforts to gather, verify and record the following information about an applicant who may engage in child-connected work:

- Working with Children Check status, or similar checks;
- Proof of personal identity and any professional or other qualifications;
- The person's history of work involving children; and
- References that address the person's suitability for the job and working with children.

This information will assist in ensuring we are recruiting the right people.

Fair procedures for personnel

Whilst the safety and wellbeing of children is our primary concern, we are also committed to being fair and just to personnel. We endeavour to record all allegations of abuse and safety concerns using appropriate documentation. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we seek to provide updates to children and families on progress and any actions we as a College take.

Privacy

The College will endeavour to respect the privacy of the personal information of individuals, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to try to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

Risk management

In Victoria, organisations are required to protect children when a risk is identified. In addition to general occupational health and safety risks, we seek to proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments and online environments.

In particular, the College seeks to take the following steps and considerations to identify and manage risks:

1. Identify the College's child safety risks across the range of school environments (including excursions, camps, online).
2. Identify any existing risk mitigation measures or existing controls.
3. Assess and rate the College's child safety risks given the existing controls in place, taking into account the likelihood of risk, and the likely consequence of the risk.
4. If the risk rating is more than the 'acceptable level', identify further risk management strategies through additional treatments or other prevention, detection or mitigation strategies and then re-assess the risk (once in place these treatments will then become controls).

Allegations, concerns and complaints – College procedure

Our College has legal responsibilities to report and respond to suspected child abuse. All allegations are taken seriously and we have practices in place to investigate thoroughly and quickly as considered necessary.

These practices apply to allegations and disclosures of all forms of child abuse, as defined in the *Education and Training Reform Act 2006* (Vic).

These practices will apply to all allegations or disclosures of child abuse made by or in relation to a child, school staff, visitor or other persons while connected to the College environment.

These practices will be:

- sensitive to the diversity characteristics of the College community;
- transparent and publicly available; and
- accessible to children, College staff and the wider community.

The persons responsible for the implementation of these practices are as follows:

Responsibility	Position(s)
Promptly managing the College's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously	Head of Student Services, Principal, relevant Head of Campus and relevant Head of School and/or Deputy Head of School
Responding appropriately to a child who makes or is affected by an allegation of child abuse	Head of Student Services and student services team
Monitoring overall school compliance with this procedure	Head of Student Services and Risk and Governance Coordinator
Managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility cannot perform their role	Principal and relevant Head of Campus
Ensuring key people have appropriate skills and capacity to undertake child safety roles and responsibilities, including teachers, student counsellors and others	Head of Student Services and Risk and Governance Coordinator
Ongoing induction and training for all staff and volunteers in child safety, including how to recognise and respond to child abuse	Head of Student Services and Risk and Governance Coordinator
Communication relating to child safety with community and stakeholders	Principal and Heads of Campus
Review of Child Safe Policy and Child Safe Code of Conduct	Risk and Governance Coordinator
School staff selection, supervision and management practices for a child-safe environment	Head of Human Resources

Strategies to identify and reduce or remove risks of child abuse	Risk and Governance Coordinator
Strategies to promote child empowerment and participation	Relevant Heads of School

In the event of an allegation or disclosure of child abuse being made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment, the College will endeavour to:

- Interview all relevant persons, including the child/person making the allegation and the child to whom the allegation relates to.
- Inform the child of the confidential nature of the matter, seek to protect the child and his or her identity, and that of any other persons involved in the disclosure.
- Support and assist a child who discloses or is otherwise linked to suspected child abuse by giving them an opportunity to be heard, writing down their version of events, explaining to them what action will be taken, providing them with ongoing support and assistance as required, such as counselling. Ongoing support and counselling will also be available to all staff involved in the disclosure.
- Determine whether there are reasonable grounds to believe that child abuse has occurred.
- Take steps to provide adequate protection to any child connected to the alleged child abuse until the allegation is resolved, including but not limited by the Principal or Head of Student Services notifying the Department of Health and Human Services (DHHS) and/or police where necessary. For the avoidance of doubt, emergency services must be contacted immediately if a child is in immediate danger.
- Record and retain documents relating to the allegation and College’s response to it in the child’s confidential file and other locations deemed appropriate.

These practices do not:

- Prohibit or discourage College staff from reporting an allegation of child abuse, or where there is a reasonable belief that child abuse is occurring, to a person external to the College;
- State or imply that it is the victim’s responsibility to inform the police or other authorities of the allegation;
- Require staff to make a judgment about the truth of the allegation of child abuse; or
- Prohibit staff from making records in relation to an allegation or disclosure of child abuse.

These practices do not abrogate the responsibility of persons legally mandated to report their suspicions of child abuse or discharge the duty of care of the College, staff

members or other persons. These practices seek only to outline the possible actions our College may take to respond to allegations or disclosures of child abuse.

The College reserves the right to alter these practices as necessary to adapt to the unique nature and circumstances of an allegation or disclosure of child abuse.

Record Keeping

It is critical that all staff and volunteers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you are required to provide evidence to support your decisions regarding the handling of child protection incidents.

All documents relating to an allegation of child abuse and the College's response to it should be stored in the child's confidential file. This file should be kept in a secure location and only accessible to authorised personnel.

Implementation

- This policy will be reviewed every two (2) years and following significant incidents.
- The College will ensure that families, children and staff have the opportunity to contribute.
- Annual professional development training will be conducted for all staff relating to their individual and collective obligations and responsibilities for managing risks of child abuse in the school environment and the College's current child safety standards.
- Risk management strategies will be monitored and evaluated regularly

APPENDIX A: Mandatory Reporting

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as **mandatory reporting**. The people mandated to report varies according to which state or territory one resides in.

When to make a mandatory report

The legal definition of a child in need of protection is provided by the *Children Youth and Families Act 2005* (s.162). For the purposes of the Act, a child is in need of protection if any of the following grounds exist:

- a) The child has been abandoned by his or her parent and after reasonable inquiries the parents cannot be found and no other suitable person can be found who is willing to care for the child;
- b) The child's parents are dead or incapacitated and there is no other suitable person can be found who is willing to care for the child;
- c) The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm;
- d) The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm;
- e) The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional and intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm;
- f) The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

For the purposes of subsections c) to f), the harm may be constituted by a *single act, omission* or circumstance **or** accumulate by *a series of acts, omissions* or *circumstances*.

Important Points

It is the *dual focus* on **harm** and the **inability or unwillingness to protect**, which enables Child Protection to become involved. You do not have to prove that abuse has taken place. Reporters (mandatory or otherwise) only need reasonable grounds for their belief. If a notification is made in good faith, you cannot be held legally liable—regardless of the outcome of the notification.

Who is legally mandated in the Victorian Education System?

- **Teachers and Principals** are mandated;
- School Counsellors, Chaplains and Pastoral Care staff employed to a **teaching** position are mandated;
- **Nurses** registered under the Nurses Act 1993 are mandated;
- Persons with a post-secondary qualification in care, education or minding of children; and
- Persons with post-secondary qualifications in youth, social or welfare work who works in the education or community welfare services field.

The identity of notifiers in Victoria - whether mandated or not - is explicitly protected.

What you are mandated to do

You are mandated to make a report to the Department of Health and Human Services (DHHS) Child Protection, where a child is in need of protection and there are reasonable grounds that exist, as outlined above. You are welcome to report an allegation or your belief to a person at the College, be it a member of the Student Services Team, your Head of School, Head of Campus or the Principal. If a report is made to the College, the steps outlined within this Policy will be followed.

This does not prohibit or discourage you from reporting an allegation of child abuse, or where there is a reasonable belief that child abuse is occurring, to a person external to the College. This may be to the police, DHHS or Child First.

Appendix B: Child Safe Code of Conduct – Acceptable and unacceptable behaviour

The safety of our students is paramount. The College has a **zero tolerance** policy of child abuse and expects that this Code of Conduct is adhered to at all times.

This Code of Conduct aims to protect children and reduce opportunities for the incidence of harm and abuse to children in the school environment. It is expected that all staff, contractors, volunteers and any individual involved in child related work comply with this Code of Conduct by following the expectations of acceptable behavior below.

The principles that should guide an adult's behaviour while performing work where children are present or reasonably expected to be present are:

- The adult/child relationship should be professional at all times;
- An adult's response to a child's behaviour or circumstance should be commensurate with the child's age and vulnerability and the adult's responsibility for the care, safety and welfare of the child;
- An adult should not be alone with a child unless there is a line of sight to other adults in the school environment; and
- These standards of behaviour extend to all school environments, defined as any physical or virtual place made available or authorised by the College for use by a student during or outside school hours, including College campuses, online school environments (e.g. email and intranet systems) and other locations provided by the College for a student's use (i.e. school camps, sporting events and excursions).

Acceptable behaviour

All staff, volunteers, Board members and parents are responsible for supporting the safety of children by:

- Adhering to the College's Child Safety Policy and upholding the College's commitment to child safety at all times;
- Taking all reasonable steps to protect children from abuse;
- Ensuring as far as practicable that adults are not alone with a child within the school environment. This excludes familial relationships between an adult and child;
- Be aware of physical locations where children are at risk of child abuse and avoid the use of these areas where possible when accompanied by a child;
- Being familiar with and alert to the signs of child abuse and report any suspicions to the Head of Student Services;
- Listening and responding to the views and concerns of children, particularly if they are telling you that they or another child have been abuse and/or that they are worried about their safety/the safety of another child;
- Reporting any child safety concerns or allegations of child abuse to the College Head of Student Services;

- Understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the *Crimes Act 1958 (Vic)*;
- If an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe, including protecting the confidentiality of any student who reports a concern and any student believed to be at risk of child abuse; and
- Promoting the safety, participation and empowerment of Aboriginal and Torres Strait Islander children (e.g. by never questioning an Aboriginal and Torres Strait Islander child's self-identification), children with disabilities (e.g. during personal care activities) and children from culturally and linguistically diverse background.

Unacceptable behaviour

Staff, volunteers, and any individual involved in child related work must not:

- Inappropriately interact with students, by:
 - Putting children at risk of abuse (e.g., by locking doors)
 - Ignoring or disregarding any suspected or disclosed child abuse
 - Developing any 'special' relations with children could be seen as favouritism or grooming (e.g. the offering of gifts or special treatment of specific children)
 - Exhibiting behaviour with children that may be construed as unnecessarily physical (e.g. inappropriate hugging of a student. Sitting on a teacher's lap could be appropriate sometimes, e.g. when reading a storybook to a small child in an open plan area)
 - Initiating unnecessary physical contact with children or doing things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- Exhibit inappropriate behaviour with students, by:
 - Engaging in open discussions of a mature or adult nature in the presence of children (e.g. personal social activities);
 - Using inappropriate language in the presence of children;
 - Expressing personal views on cultures, race, sexuality or politics in the presence of children;
 - Discriminating against any child, including age, gender, race, culture, vulnerability, sexuality, ethnicity or disability;
 - Photographing or videoing a child without the consent of the parent/carer;
 - Working with children whilst under the influence of alcohol or illegal drugs; and
 - Consuming alcohol or illicit drugs at school or at school events in the presence of children.
- Inappropriately communicating or have contact with students, by:
 - Having any online contact with a child (including via social media, email, instant messaging etc.) or their family (unless necessary e.g.

providing families with e-newsletters or assisting students with their school work);

- Using any personal communication channels/devices such as a personal email account to contact a student; and
- Exchanging personal contact details such as a phone number, social networking site or mail address with any student

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