



Child Safety Policy & Procedures

1. Purpose

The purpose of this policy and procedures is to ensure so far as is reasonably practicable, the safety of children who attend Rossbourne School and to conform to the Ministerial Order 870 (Child Safe Standards – Managing the Risk of Child Abuse in Schools).

All persons are responsible for the care, safety and protection of children. This responsibility extends to the identification and timely response to concerns regarding the possible sexual, physical, grooming, psychological and emotional abuse.

All children who come to Rossbourne have a right to feel and be safe. The welfare of the children in our care will always be our first priority and we have a zero tolerance to child abuse.

2. Scope

Rossbourne School is committed to compliance with the following prescriptive legal and regulatory Acts:

Children, Youth and Families Act 2005
Child Wellbeing and Safety Act 2005
Education and Training Act 2006
Working with Children Act 2005
Crimes Act 1958 (Vic)
Family Violence Protection Act 2008
Victorian Crimes Act 1958

3. Overview

The policy covers the following standards as set out in Ministerial Order 870.

- Standard 1: Strategies to embed an organisational culture for child safety.
- Standard 2: A child safety policy of commitment to child safety
- Standard 3: A child safety code of conduct
- Standard 4: School staff selection, supervision and management practices for a child safe environment
- Standard 5: Procedures for responding to and reporting allegations of suspected child abuse
- Standard 6: Strategies to identify and reduce or remove risks of child abuse
- Standard 7: Strategies to promote child empowerment and participation

The principles of Child Safety cover the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds and children with a disability.

4. Definition

As taken from Ministerial Order 870

Child means a child enrolled as a student at the school

Child-connected work means work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Child abuse includes –

- (a) any act committed against a child involving –
 - i. a sexual offence; or
 - ii. an offence under section 49B(2) of the Crimes Act 1958 (grooming);
and
- (b) the infliction, on a child of –
 - i. physical violence; or
 - ii. serious emotional or psychological harm; and
- (c) serious neglect of a child.

Counsellors include employees and contractors who provide services to Rossbourne School in their chosen field ie. psychologist, psychiatrist, Student Support Service staff, Primary Welfare Officers, Mental Health Practitioners in secondary schools, Student Wellbeing Coordinators, Chaplains, Speech pathologists, Social workers, Youth workers.

Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.

School environment means any physical or virtual place made available or authorised by the school governing authority for use to a child during or outside school hours, including:

- (a) a campus of school;
- (b) online school environments (including email and intranet systems); and
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sports events, excursions, competitions, and other events).

5. Responsible

All teaching and non-teaching staff, counsellors, contractors and volunteers are accountable to this policy.

The Child Safety Policy encompasses the school environment.

Rossbourne will appoint a dedicated Child Safety Officer with the following responsibilities:

- Ensure the wellbeing of children at risk.
- Manage allegations of suspected child abuse from the beginning to end.
- Ensure Rossbourne conform to statutory regulations
- First point of contact for staff/counsellors/contractors/volunteers/student concerns:

If the Child Safety Officer is unavailable, the Principal will ensure the responsibilities of the Child Safety Officer are performed.

Fulfilling the roles and responsibilities contained in this policy does not displace or discharge any other obligation that arises if a person reasonably believes that a child is at risk of child abuse.

Staff/counsellors/contractors/volunteers will be provided with ongoing opportunities, support, adequate supervision and training in the area of Child safety and risk management.

6. Governance

Strong and clear governance arrangements allow leaders to make sure child safety is a focus within Rossbourne. To assist in the communication of Child Safety at Rossbourne the following meetings will have Child Safety as an agenda item.

- Council meeting
- Staff meetings

Within meetings items to be considered but not limited to are: review of policy, ongoing training, risk assessments.

The ongoing agenda item of Child Safety will assist in the understanding and expectation of cultural safety, and valuing child safety within Rossbourne.

7. Risk Management

As a guide some activities pose greater risks than others, ie. swimming at the local pool is a high risk activity as there are many safety variables to be considered, while an in house chess competition may pose fewer risks. When planning activities risk management strategies **must** be considered and undertaken to minimise the potential for child abuse or harm to occur. Children's disabilities and cultural background **must** be considered when assessing child safety risks.

Risk Management Assessments are required for activities identified as high risk (See: Rossbourne Risk Management Policy). Assessments will also be undertaken on services provided by contractors and outside organisations identified as high risk.

It is an offence (*Part 4.4 of the Children, Youth and Families Act 2005*) 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.

When evaluating activities and their child safety the following risk are to be considered:

- predatory risks (persons who may become adept at creating opportunities to sexually abuse and avoid detection)
- opportunistic risks (persons who may sexually abuse in low-risk, low-effort situations)
- situational risks (persons who may sexually abuse in a specific set of circumstances)

Risk assessments should consider the following safety issues: children

- Unintentional/accidental harm Physical abuse
- Poor physical environment leading to injury
- Poor supervision
- High-risk activity
- Lack of risk mitigation strategies in place
- Physical punishment
- Pushing, shoving

- Punching, slapping, biting, kicking
- Psychological abuse
- Cultural abuse
- Bullying
- Threatening language
- Shaming
- Intentional ignoring and isolating (either face-to-face, online or via other technology)
- Lack of cultural respect
- Racial or cultural vilification or discrimination
- Lack of support to enable a child to be aware of and express their cultural identity
- Lack of supervision
- Not providing adequate nourishment
- Not providing adequate clothing or shelter
- Not meeting the specific physical or cognitive needs of children
- Sexual abuse, assault and exploitation
- Grooming
- Inappropriate touching
- Inappropriate conversations of a sexual nature (either face-to-face, online or via other technology)
- Crossing professional boundaries

8. Communication

Rossbourne's Child Safety Policy is a public document with access via the Rossbourne web site www.rossbourne.vic.edu.au . A hard copy can be requested from the schools office during school hours. Rossbourne staff can also view the policy on the Rossbourne intranet.

Rossbourne will promote the Child Safety Policy by, but not limited to:

- Details of access in start of year packs
- Term newsletters
- Posters – to be displayed around the school

Child Safety is included in Rossbourne curriculum and forms part of Health Education which is conducted across all levels within the school.

The curriculum is designed to be:

- culturally respectful
- inclusive of a diverse range of children, and
- demonstrating respect for children of all ages, abilities, social and cultural backgrounds.

9. Child Abuse

Reporting of child abuse can be directed to the Child Safety Officer for guidance or reported directly to the appropriate authorities.

a. What concerns should be reported?

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation or a disclosure by a child. Staff are encouraged to speak to the Child Safety Officer and be proactive rather than wait until it is too late. Staff/counsellors/volunteers/contractors have a duty of care to children and a legal responsibility to report concerns.

Examples of child safety concerns include:

- concerns about a physical environment that may pose a risk to children (this includes health and hygiene issues)
- inappropriate or special relationships developing between staff/counsellors/volunteers/contractors and children
- inadequate staff–child supervision ratios
- breaches of the Code of Conduct, particularly if they are persistent
- feelings of discomfort about interactions between a staff/volunteer/contractor and a child
- suspicions or beliefs that children are at risk of harm
- observations of concerning changes in behaviour
- children’s disclosures of abuse or harm, which **must** be reported to Child Protection or the police.

When should concerns be reported to the police?

Physical or sexual abuse of children is a crime and must be reported to the police.

b. When should concerns be reported to Child Protection?

Anyone may make a report to Child Protection (Victorian Department of Health and Human Services) if they believe, on reasonable grounds, that a child is in need of protection. Child Protection provides child-centred, family-focused services to protect children and young people from significant harm caused by abuse or neglect within the family. It also aims to ensure that children and young people receive services to deal with the impact of abuse and neglect on their wellbeing and development. It is the Child Protection practitioner’s job to investigate significant harm.

How to make a report.

- To report concerns that are life threatening call Victoria Police 000
- To report concerns about the immediate safety of a child within their family unit, call the Child Protection Crisis Line 13 12 78 (24 hours, 7 days a week)
Note: This is an emergency service for weekends and after hours only and will pass on cases to the relevant regions the following working day
- To contact a child protection office close to you call a local office where the child lives
<https://services.dhhs.vic.gov.au/child-protection-contacts>

The Victorian *Crimes Act 1958* has been amended to include the criminal offence of '*failing to disclose a sexual offence committed against a child under the age of 16 years*'.

It is a legal obligation upon **all adults** to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information to police is a criminal offence, with some limited exceptions.

A person does not have a reasonable excuse for failing to disclose a sexual offence committed against a child if they are only concerned for the interests of the perpetrator or any organisation. ‘Perceived interests’ includes reputation, legal liability or financial status. For example, a principal’s concern for the reputation of a school or a teacher’s worry about missing out on a promotion is not regarded as a reasonable excuse.

c. If a child is in imminent or immediate danger, call 000 immediately.

If a staff member/counsellor/volunteer/contract has a concern in relation to the safety of a child it is encouraged that they speak to the Child Safety Officer/Principal immediately. Rossbourne will take immediate action in relation to concerns about potential child abuse. Staff should take steps to ensure the immediate safety of the student involved and ensure an appropriate level of care and supervision is provided for the student.

d. Mandatory reporting

Teachers, counsellors and school principals, are legally (*Children, Youth and Families Act 2005*.) required to make a report to Child Protection if they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

As long as a report is made in good faith, the report is not unprofessional conduct or a breach of professional ethics and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the *Children, Youth and Families Act*, and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

If a reasonable belief is formed that a child is in need of protection, then the teacher, counsellor or principal that formed the belief must make a report to Child Protection.

Examples of concerns:

- You have some general concerns for the wellbeing of the child but have assessed that the child is not at immediate risk of harm, you can make a referral to Child FIRST.
- You are required to notify Department of Human Services each time you become aware of any further reasonable grounds for your belief.
- You do not have to be able to prove that the child has been abused to notify The Department of Human Services.
- School staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. However, often it is going to be good practice and/or necessary to discuss any concerns prior to making a report a referral, and it would be normal to raise the possibility of making a report or referral during such discussions. Consent should not be sought if you believe that it will put you or the child at risk.
- It is your responsibility to report your belief – it is not the responsibility of your supervisor, principal, or child safety officer.
- The Principal does not share your belief that a child or young person is in need of protection, you **must** still notify The Department of Human Services of your belief. However, it is recommended that you inform your principal that you have made a report.
- If you are one of a group of mandated professional who share the belief, based on reasonable grounds, that a child or young person is in need of protection from physical or sexual abuse, then only one mandated person needs to make the report. However, you **must** be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.
- You are not legally required to notify Child First or Child Protection if you form a reasonable belief that a child is in need of protection in your private life or when you are working in a capacity that is not directly related to the professional affiliation under which you are mandated, however such reports can be made voluntarily.
- Details of a mandatory report should remain confidential.
- Children can only be reported under the age of 17.

e. Failure to disclose as sexual offence.

The Victorian *Crimes Act 1958* has been amended to include the criminal offence of '**failing to disclose a sexual offence committed against a child under the age of 16 years**'.

It is a legal obligation upon **all adults** to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information to police is a criminal offence, with some limited exceptions.

A person does not have a reasonable excuse for failing to disclose a sexual offence committed against a child if they are only concerned for the interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status. For example, a principal's concern for the reputation of a school or a teacher's worry about missing out on a promotion is not regarded as a reasonable excuse.

A *reasonable belief* is formed if a reasonable person in the same position would have formed the belief on the same grounds.

f. Managing initial responses

- Inform appropriate authorities about the allegations (including but not limited to mandatory reporting).
- Protect any child connected to the alleged child abuse until the allegation is resolved make.
- Maintain detailed records of allegations.
- Keep records in a secure location.
- Report the allegations internally – Child Safety Officer/Principal

Non mandated people who believe on reasonable grounds, that a child is in need of protection, should report their concerns to the Child Safety Officer immediately.

g. Non mandated staff include:

- non-teaching staff including administration, canteen staff, cleaners.

Mandated Staff will be requested annually to confirm their acceptance and understanding of Mandatory Reporting.

h. Support the child and their family.

Family services such as Child FIRST and Child Protection are available to help protect vulnerable children.

Child FIRST and Child Protection can now consult Victorian teachers and principals when they are deciding how best to respond to a referral or a report they have received. The legislation allows you to share relevant information with family services about a vulnerable child without needing to be concerned about legal or professional consequences, provided you do so in good faith. However, any information you provide should be directly related to your concerns about the child and not based on second-hand information.

It is very important to validate a child's disclosure, no matter how you feel about it. This means listening to the child, taking them seriously and responding. The Child Safety Officer is available to assist in these matters and it is encouraged to request assistance in the following key steps:

- let the child talk about their concerns in their own time and in their own words. Give them your full attention, the time and a quiet space in which to do this.
- be a supportive and reassuring listener. Comfort the child if they are distressed.
- tell the child it is not their fault and that telling you was the right thing to do.

- let them know that you will act on this information and that you will need to let other people know.
- alert relevant people as per this policy.
- record the child's disclosure using the child's words.
- contact the child's parents to let them know (other than if the disclosure related to abuse within the family).
- assist the child and their family to access appropriate support for the child, such as counselling.
- let the child and their family know about steps Rossbourne is taking, such as an investigation, and any resulting action, such as changes to policy or procedures.
- praise the child for helping Rossbourne become safer for children.

It is important to record all details accurately, maintain confidentiality and ensure records are secure.

i. Failure to report

As from 1 July 2015 it is an offence for failing to protect a child under the age of 16 from a risk of sexual abuse.

The offence applies 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 (over the age of 18 years) 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. They must take reasonable steps to reduce or remove a known substantial risk.

If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).

This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

10. Staff selection

Selecting suitable and appropriate people to work with children is vital and everyone benefits when the best people, who also share Rossbourne's values about keeping children safe from harm, are chosen. When selecting a staff/volunteers/contractor the following steps will be incorporated:

- All positions advertised within the school that involve child connected work will include the notice of the school's child safety practice.
- All positions involving child connected work shall include a job description that includes expectations that staff **must** provide a child safe environment, duties and tasks of the role.
- Staff should have the appropriate qualifications, experience and attributes to perform their duties.

In accordance with any applicable legal requirements, the school will within reasonable grounds verify and record the following information:

- (a) Confirmation of VIT registration
- (b) Working with Children Check status, or similar check
- (c) Proof of personal identity and any professional or other qualifications
- (d) The person's history of work involving children; and
- (e) References that address the person's suitability for the job and working with children.

Sensitive information received or obtained during the staff selection process should be treated with respect for the privacy of the individual. Individuals should be told what will happen to any information they provide or is obtained and who will have access to the information. Information obtained of unsuccessful applicants should be destroyed after two months unless otherwise agreed with the applicant.

A Working with Children Check is valid for five years and Rossbourne will maintain an up to date register of all relevant staff/volunteers/contractors requiring a check. Working with Children Check can be validated at: <https://online.justice.vic.gov.au/wwccu/checkstatus.doj>

Rossbourne staff, counsellors, contractors and volunteers who are involved in child connected work will be required to have a Working with Children Check unless a Police Check is required under their professional requirements (ie. Teacher).

Staff will be provided with ongoing opportunities, support, adequate supervision and training in the area of Child safety and risk management.

New staff will be inducted to Rossbourne's policy and procedures governing child safety and ongoing staff will be required to annually confirm their acceptance and understanding of Rossbourne's Child Safety Policy.

11. Staff Code of Conduct

Rossbourne's Staff Code of Conduct is a separate policy which covers staff, contractors and volunteers. It sets out the standards about the ways in which staff are expected to behave with children.

The code covers:

- Physical contact/touching
- Favouritism/"special" relationships
- Social media
- Discipline
- Changing rooms
- Cultural matters
- Camps/excursions
- Counselling
- First aid
- Non compliance/complaints

12. Staff training

Ongoing staff training will be made available to all staff. This includes but not limited to:

- Staff completing annually – Non Government Mandatory Reporting: E-learning program
<http://www.elearn.com.au/det/protectingchildren/schools/>
(Certificate to be submitted to Business Manager on completion)
- Staff annual refresher on Mandatory Reporting

13. Child empowerment and participation

Rossbourne ensures children feel safe to report abuse and have processes in place to ensure that children are empowered to raise any child safety concerns.

It is acknowledged that there is a significant power imbalance between children and adults and specific efforts are taken to ensure the voices of children are heard. Enabling and promoting the participation of children within Rossbourne has many benefits. These include:

- demonstrating Rossbourne's commitment to upholding the rights of children.
- providing Rossbourne with the opportunity to check that what Rossbourne is doing is actually what children want
- strengthening the commitment of children to Rossbourne
- building the communication and leadership skills of children
- building cultural understanding and respect
- enhancing the safety of children.

This is achieved by promoting and educating students in the following areas:

- Behaviour for students
- Healthy and respectful relationship (inc sexually)
- Resilience
- Child abuse awareness and prevention

Process for a child to report abuse.

It is encouraged that a child who wishes to report abuse, or feels worried or unsafe contacts the Child Safety Officer. If this person is not suitable/available or the child is not comfortable to discuss the matter the Principal or their Home Room teacher should be their initial contact.

The Principal and Home Room teacher will then report to the Child Safety Officer to ensure the appropriate procedures/actions are undertaken.

14. Record Keeping

Rossbourne will record any child safety complaint, disclosure or breach of the Child Safety Policy and store the records in accordance with security and privacy requirements. Records will include action taken, any internal investigations and any reports made to statutory authorities or professional bodies. To avoid confusion and maintain confidentiality, everyone, including children, should be made aware of the need to report serious matters involving child protection to external authorities. You cannot promise confidentiality in these matters; however, you **must** assure privacy in handling the matter and that only those who need to know will be advised.

15. Culture and disabilities.

Rossbourne encompasses and embraces children of various cultural backgrounds including indigenous cultures and children with a disabilities. To assist and cater for the education needs of each student an Individual Education Program is prepared taking into account their culture and disabilities. The safety of children is covered as part of Human Relations and covers and explorers topics including:

- Personal Health
- Nutrition
- Safety
- The Human Body & Systems
- Sexuality
- Relationships
- Decision Making
- Drug Education

16. Ongoing review

This policy is to be reviewed after twelve months from original Council ratification, followed by every two (2) years from the initial review.

Further reference:

- Rossbourne Complaints and Grievances Policy
- Rossbourne Privacy Policy
- Rossbourne Risk Management Policy
- Rossbourne Code of Conduct (Staff, contractors and volunteers)

PROTECT - Child Protection and Child Safe Standards

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

Ratified by Rossbourne School Council: October 2020

Review date: October 2021