



# Child Safety Policy

**August 2016**

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## 1. Rationale

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

Mitcham Primary School promotes positive ideals, values and academic formation of its students so that they develop into future thinkers, learners and leaders, with an ability and knowledge in order to provide leadership in the Community. Mitcham Primary School staff and adults working within the School community have a duty to all students to take reasonable care to avoid acts or omissions which they can reasonably foresee, which would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.

At Mitcham Primary School we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our School.

## 2. Policy Statement

Students who attend Mitcham Primary School have a right to feel and to be safe. The welfare of the students in our care will always be our first priority. Any form of child harm or abuse is illegal and unacceptable and we are committed to creating an inclusive environment where students feel safe and enjoy their educational journey at the School.

The purpose of this policy is to demonstrate the strong commitment of Mitcham 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, visitors and contractors.

## 3. Principles

All Schools, legal and moral responsibility to create nurturing School environments where children and young people are respected, their voices are heard and they are safe and feel safe. (see Mitcham School Commitment to Child Safety)

**The following principles underpin our commitment to child safety at Mitcham 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, visitors and contractors, 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 the government, 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, visitors, contractors, parents 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, legally.

#### 4. Definitions used in this Policy

**Child:** A child or a young person enrolled as a student at the College or enrolled in an endorsed school program.

**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.

**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.

**Child protection:** Statutory services designed to protect children who are at risk of serious harm.

**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.

**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.

**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), and including a chaplain or minister of religion. A school lead for

child safety should have sufficient status and authority, including leadership support and the ability to direct other staff (where appropriate), to undertake the role effectively.

**School governing authority** means, in the case of a government school:

- the Secretary; or
- a school council, as authorised by or under the Education and Training Reform Act 2006; or
- the principal, as authorised by the proprietor of a school or under the Education and Training Reform Act 2006.

**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 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.

**Proprietor** in relation to a government school, means the Secretary of the Department of Education and Training.

## 5. Policy Commitments

All students enrolled at Mitcham 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 any form of child abuse. We aim to create a child-safe and child-friendly learning environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the safety of 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 carers

- (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 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 staff, visitors, volunteers, and contractors about keeping children and young people safe from harm.
- (d) We commit to providing opportunities for School employees, volunteers, contractors, and visitors 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 Mitcham 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. (see Mitcham Primary School Child Safety Commitment Statement)

### **6.1 Guide to Responsibilities of School Leadership**

The principal, the School Council and School leaders at Mitcham 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, clergy, religious, 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, contractors and visitors) 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

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

Principal: Child Wellbeing Leader, Child Safety Officer

Assistant Principal: Student Learning and Wellbeing together with Team Leaders, Psychologists, and other outside agency leaders.

Team Leader: Child Safety Officer

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

At Mitcham Primary School, we expect employees, volunteers, contractors and visitors 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**, which recognises the critical role that School staff play in protecting the students in our care and establishes clear expectations of School employees, volunteers, contractors and visitors 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 Mitcham 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 (Mandatory Reporting) fall under separate pieces of legislation with differing reporting requirements.

Our School's Mandatory Reporting or Child Abuse statement, 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.

Mandatory Reporting Online training assists 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.

## 10. Screening and Recruitment of School Staff

Mitcham 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

Mitcham Primary School provides employees, volunteers and visitors 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.

## 12. Risk Management

At Mitcham 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. Breach of Policy

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy may start the process 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 Chair of the School Council.

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 Professional Standards Code of Conduct Policy, Mandatory Reporting of Child Physical and Sexual Abuse Review of this Child Safety Policy

At Mitcham 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

Date	Comment (e.g. major review, minor review)

## 15. References

State of Victoria 2016, *Child Safety Standards – Ministerial Order No. 870*,