

Child Protection Policy

INTRODUCTION

Bairnsdale Christian Community School is committed to providing a safe, secure and caring environment for all of its students and staff members. This policy seeks to set out the processes and procedures by which the School seeks to maintain a safe environment for all children as well as what is to be done in response to any incident arising either within or outside of the school. It is also intended to assist all staff to understand their roles and responsibilities in relation to child protection and mandatory reporting.

This policy recognises that BCCS has a Duty of Care to all children attending the school. This policy also seeks to maintain procedural fairness and natural justice in all circumstances.

This policy is designed to reflect current legislation relating to child protection and mandatory reporting, including the recent 'Failure to Disclose' offence introduced to impose a clear legal duty on all adults to report information about child sexual abuse to police.

This policy recognises that the School has certain responsibilities and obligations under Child, Youth and Families Act 2005 (Vic.) and which are outlined below.

RATIONALE

At Bairnsdale Christian Community School (BCCS) we believe that all people are created by God and are created in His image. This means each person in our school is special and unique and thus inherently valuable to God and to those around them. Each person is precious and has the right to feel valued, safe and secure. Children being young are more vulnerable and so in greater need of protecting from different kinds of abuse or mistreatment.

As adults (staff members, volunteers and parents) we see our role as caregivers in loco parentis - in the place of the parents, and thus we aim to provide a safe and secure school environment, reducing the risk of abuse occurring and responding compassionately and appropriately should any abuse occur.

The school culture is one which endeavours to show God's love and grace in all circumstances. According to the vision of the school we aim to foster a nurturing environment where students can learn and develop free of disturbing, bullying or harassing behaviour.

We do this in service to God, the creator of all and of each child.

AIMS

- To provide a safe, caring and secure school environment that takes into consideration the needs of all students and that enables students to share what may be concerning them.
- To enable all students to participate fully in the school's programs and activities.
- To foster a culture of welfare and well-being that covers personal safety and protective behaviours.
- To ensure key staff are suitably trained in order to protect each child and to respond/behave appropriately when dealing with children in the school.
- To assist all staff members to be aware of their professional roles and responsibilities including those relating to Child Protection and Duty of Care

- To listen to and respect children's views when it comes to child protection and related matters that directly affect them.
- To identify support and counselling services or agencies for all involved in any incidents.
- To identify strategies to effectively deal with the media.
- To abide by relevant federal and state legislation.
- To communicate to all members of the school community the policies and responsibilities relating to Child Protection and Duty of Care.

IMPLEMENTATION GUIDELINES

A. Definitions

Duty of Care:

The requirement that the School and teaching staff (in particular) take all reasonable care to provide a suitable and safe environment for students, and to ensure that no student is exposed to unreasonable risk of injury. Such duty of care to students is referred to, both explicitly and implicitly, in a range of policies and is recognised as a legal requirement in law for all adults responsible for the care of children in any organisation.

Child:

Any person under the age of 18.

Abuse:

Can consist of one or more of but is not restricted to the following:

- *Physical Abuse:* Any non-accidental physical injury resulting from practices such as: Hitting, punching, kicking (marks from belt buckles, fingers). Shaking (particularly babies). Burning (irons, cigarettes), biting, pulling out hair. Alcohol or other drug administration.
- *Sexual Abuse:* Any sexual act or threat to perform such upon another person. It occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. It may appear consensual but the validity of consent is negated by the power differential.
- *Emotional Abuse:* The chronic attitude or behaviour of one person which is directed at another person, or, the creation of an emotional environment which erodes a child's development, self esteem and social confidence over time. Behaviours may include: Devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in the child's presence.
- *Neglect:* Characterised by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardises or impairs a person's development.

Mandatory Reporting:

The legal requirement (Children, Youth and Families Act 2005: Sec. 28 & 31) to report suspected cases of child abuse and neglect in relation to a child as defined above. In Victoria VIT registered school teachers, those who have been granted 'Permission to Teach' and principals are mandated under law to make a report as soon as practicable after forming a belief, on reasonable grounds, that a child is at risk of significant harm. In cases of suspected sexual abuse any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 is obligated to report that information to Police directly. Failure to disclose information is a criminal offence. It is important to note that this responsibility as a

teacher is not confined to the workplace or those students who are ordinarily under your direct supervision.

Reasonable Grounds:

Forming a belief in relation to child abuse are established when: (1) a student states that they have been abused or they know someone who has been abused; (2) someone who knows the student states that the student has been abused; (3) the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the student's safety, stability or development; (4) the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or (5) a student's actions or behaviour may place them at risk of significant harm and the student's parents are unwilling or unable to protect the student.

Failure to Disclose:

It is an offence under the Crimes Amendment (Protection of Children) Act 2014 for any adult who has formed a reasonable belief that sexual abuse has taken place in relation to a child to fail to disclose such information. Any adult who forms such a belief that a sexual abuse offence has been committed against a child under 16 has an obligation to report that information to police. Failure to disclose that information is a criminal offence.

Volunteer:

Any unpaid person over the age of 16 who is invited by the Principal or a staff or board member to assist in the school.

Staff Member:

Any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members placed in their care whilst holding a formal position at BCCS. A staff member could include but is not limited to: Principal, Teachers, Aides, and Board Members.

DHS:

The Department of Human Services, a statutory government body.

Child Protection:

The service provided under legislation by DHS, which is empowered to intervene to protect children and young people at risk of significant harm and/or abuse.

Child FIRST:

A family services community-based intake and referral service, which exists to assist families experiencing difficulty or going through a crisis by linking them with other relevant services.

DET:

The Department of Education and Training.

B. Responsibilities of a Registered Teacher in Victoria include the following:

- It is your responsibility as a registered teacher in Victoria to share information with 'Child First' or 'DHS: Child Protection' that will assist in promoting a vulnerable child's

safety and development and offer the child's family assistance and services they may need. Children, Youth and Families Act 2005: Sec. 28 & 31

- If you believe on reasonable grounds that a child is suffering physical or sexual abuse, it is your professional and legal responsibility to make a mandatory report to child protection (who do have statutory powers)
- If you have significant concern for the wellbeing of a vulnerable child, it is your professional responsibility to make a referral to Child First (who do not have statutory powers). It is encouraged that you first try to seek the child or the parent/s consent to approach family services
- At no time must a child be put at risk of further harm.
- If attempting to gain consent could put the child, yourself or someone else at risk of harm, family services should be contacted without gaining consent.

C. Responsibilities of any adult in reporting child sexual abuse:

- A clear legal duty has been imposed on all adults to report information about child sexual abuse to Police. Crimes Amendment (Protection of Children) Act 2014
- Failure to disclose information has now been made a criminal offence.
- A report must be made if a 'reasonable belief' is formed based on professional observations, information shared by the child or by someone close to the child or obvious signs of abuse like unusual behaviour or physical signs.
- There are grounds for a reasonable excuse for failing to disclose as there are also exemptions. In both cases a person will not be guilty of an offence. (Please refer to the 'Betrayal of Trust: Fact Sheet.' Published by the Victorian State Government.

D. Information Sharing

A referral to Child FIRST or report to Child Protection will require sharing information to assist family services in making an initial assessment. Information that can be shared includes:

- any known history of the child suffering harm.
- any period the child has been cared for by other people.
- any significant issues relating to the child's brothers or sisters.
- the child's physical health, including any medical treatment needs.
- any psychological and emotional difficulties the child may have.
- the child's education, including any special educational needs.
- any disabilities the child may have, including the care they may need as a result.
- any known allergies and dietary requirements of the child.
- any significant health problems of the child's parents.
- whether a parent has a mental illness, substance abuse problem, disability or a history of family violence.
- whether a parent is receiving treatment for any of the above issues and the outcomes of this.
- information about a person in the household who may pose a risk to the child.

Information shared must show your belief that the child's family life is causing adverse effects on that child's safety and development and not be founded on prejudice, intolerance or bias.

E. Staff Protection regarding Information Sharing

1. It is a provision that information shared does not breach any privacy legislation such as the Information Privacy Act 2000.
2. You may be legally called upon to give information on a child who is subject to a Children's Court Protection Order. Otherwise, information sharing is not legal but it is encouraged.
3. Information shared in good faith cannot be penalised by legal or professional consequences.
4. You cannot be successfully sued or suffer any official consequences to your professional work for sharing information with family services.

F. Supporting Children

BCCS encourages and supports the active participation of children in our organisation. As such the school staff will always listen to any information or reports that children may wish to make. Where appropriate children will be involved in making decisions about matters affecting them.

PROCEDURES

A. Staff Selection and Recruitment

Staff:

- All staff employed at the school will be carefully selected and screened. Prospective employees will be required to provide details of past experience, relevant qualifications and previous positions held.
- Referees will be checked and scrutinised seeking the applicant's suitability for the role in question and their past employment history. This will be documented and kept on file with the application form and related documentation.
- All teachers will be required to hold current V.I.T. (Victorian Institute of Teaching) registration with an up to date National Criminal History Check.
- Non-teaching staff will be required to hold and present a current Working With Children's Check. (WWCC).
- Any applicant convicted of a criminal offence involving violence, all forms of abuse or sexually related offences will automatically be disqualified from employment at BCCS.

Volunteers:

- All volunteers providing assistance in the classroom and on excursions will be required to present a valid WWCC.
- Any volunteer providing assistance must be under the supervision of a Staff member at all times and will be accountable to that staff member.
- Staff member accepting the assistance of a volunteer must be satisfied that that particular volunteer is suited to the task and is of sufficient maturity to carry out the work/task/role that they are being asked to do.
- Volunteers must be made aware of the school's responsibilities and procedures around Child Protection and this policy.

B. Staff Training

- All staff will be made aware of their obligations under the legislation and in accordance with the DET/DHS reporting protocols. Each relevant staff member will be issued with a copy of the Step by step guide to making a report to Child Protection or Child FIRST. The

overall aim will be that all staff are clear on what they need to do to ensure each of the children in the School are cared for and remain in a safe environment. This will take place, ordinarily, during the first meetings for the year before the academic year begins for students. As well when various situations arise during the year the policy will be read, associated references consulted and advice sought to determine the steps to be taken. All staff are to be informed of the process they should follow should they have any concerns.

- During the annual briefing staff are to be reminded of what constitutes child abuse and what to look for as indicators of any harm being suffered. (cf Appendix 2 p 35 – 41 - Protecting the Safety and Wellbeing of Children and Young People – DEECD & DHS May 2010)

C. Making a Mandatory Report

The following steps are to be followed if **any** teacher has concerns:

1. Record any observations you have made, disclosures received or concerns you have been made aware of.
2. Immediately or as soon as is practicable after forming a belief on reasonable grounds during the course of discharging their duties, a report must be made to DHS: Child Protection. Reports should be made after each subsequent occasion where a belief has been formed.
3. The Principal should be informed for advice and/or to help plan an appropriate response using: A step-by-step guide to making a report to Child Protection or Child FIRST .
4. Where the Principal or other relevant staff do not believe that a mandatory report is warranted, this does not discharge the teacher of the obligation to do so if he or she believes on reasonable grounds that abuse has occurred. The teacher is legally obligated to make a mandatory report.
5. Staff members should keep comprehensive, chronologically ordered notes that describe the source of their concerns, actions taken, further considerations and who the staff member has had contact with.
6. Non teaching/non mandated staff may report their concerns to the principal or to a mandated staff member. They may also report their concerns directly to Child Protection/ Child First using the step-by-step guide.
7. In cases of suspected child sexual abuse a report must be made directly to the Police and then DHS: Child Protection. Staff making the report should also then inform the Principal and the child's class teacher.
8. The principal will ensure there is a time of debrief once action has been taken and/or the issue concluded.
9. In all cases staff should maintain and respect strict confidentiality when dealing with a case of suspected child sexual abuse, other abuse, neglect or assault and should not discuss the details and the identity of the child or their family with anyone else (including other staff members) other than those who are required to know as part of necessary consultation and/or management of the situation.
10. Information regarding the identity of the person making the report to DHS Child Protection must be kept confidential unless:
 - a. The reporter consents to his/her identity being disclosed
 - b. The reporter chooses to inform the child or family of the report

- c. The Court or Tribunal makes a decision that will necessitate the identity of the person making the report to be revealed.

D. Making a Voluntary Report

1. Staff should always discuss any concerns about the safety and wellbeing of students with the Principal and/or the class teacher, especially where they have suspicions of possible abuse, assault or neglect but have not as yet formed a reasonable belief.
2. Any staff member who is non-mandated and who believe on reasonable grounds that a child is in need of protection are encouraged to speak to the Principal or a child's teacher as well as making a report to DHS: Child Protection after following the Step by step guide to making a report to Child Protection or Child FIRST.
3. Any staff member becoming aware of possible harm to a child outside of their professional role should make a report to DHS: Child Protection.
4. Staff members may make a referral to Child FIRST where they have concerns about a child's wellbeing but do not believe that the child is in need of protection. This report can connect children and young people and their families with the services they may need.
5. Staff members should keep comprehensive, chronologically ordered notes that describe the source of their concerns, actions taken, further considerations and who the staff member has had contact with.

E. Maintaining a Safe Environment within the School

Incidents of child abuse in whatever form are rarely carried out in public or in front of other witnesses. Having other witnesses present can deter potential abuse from occurring and also provides valuable assistance when it comes to clarifying questionable allegations.

1. Wherever possible staff members should avoid being left alone with a child.
2. Wherever practicable and appropriate, counselling and advising a child should be carried out within sight of another staff member or appropriate adult.
3. When transporting children staff members should never be alone in a car with a child.
4. Staff will ensure they respect a child's feelings and privacy when making physical contact of any kind.
5. Privacy of both children and any adults is to be regarded and respected during activities that require dressing and undressing. (e.g. changing for swimming lessons.)
6. Staff should never be alone with any child while they are dressing/undressing.
7. Parents/Guardians are free to observe any aspect of school life unless a child or an adult's privacy is being breached by such observations.
8. Any person, present on the School premises must have a valid and approved reason for being at the school. Visitors to the school must sign the Visitor Register acknowledging their presence in the School, reason for being there and time of arrival and departure. Visitors authorised to be on the School premises will be issued with a Visitors identification lanyard. All staff have the right to ask unauthorised people to leave the school immediately. Police may be called if unauthorised people refuse to comply with any reasonable request to leave.
9. Disciplining children:
 - a. All inappropriate behaviour on the part of children in the school should be dealt with according to the School's Student Welfare policy.

- b. At no time may any teacher administer any form of physical, emotional or mental punishment.

F. Procedures when an Incident occurs:

1. When an incident occurs BCCS Board will appoint an independent person with the specific duty of dealing with any allegations that arise. The name and contact details of this person will be freely available to all of the Board and leadership.
2. All directly involved in the incident will be informed as to the steps that will be taken to deal with the matter: establishing the facts/context, determining and communicating a finding and the resulting action to be taken.
3. Care will be taken to ensure the BCCS Board, any relevant educational authorities (VRQA, VIT, DET) and associations such as ISV and CSA where appropriate are kept informed as to the incident, the result of investigations and action taken as a result of the incident. In some cases, such as sexual abuse, it is a requirement that VIT and VRQA be informed.
4. The School community will also be informed as deemed appropriate by the Principal together with the Independent person leading the investigation into the incident. All contact with the media will be made by the Principal and/or the Board Chair.
5. If there are reasonable grounds to suspect an incident has taken place and a child has been or is still suffering abuse, the Police and the School's insurer (ACS Mutual Ltd) will be contacted immediately.
6. Reasonable grounds:
 - a. A child discloses that he/she has been abused
 - b. An admission is made by the perpetrator
 - c. A disclosure made by a person or persons close to the child in relationship (sibling, parent relative, close friend.)
7. Where a child discloses abuse outside of the school see sections above covering making a mandatory report.
8. Once a disclosure has been made by a child every effort will be made to care for the welfare of the child making the disclosure including the following:
 - a. Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet.
 - b. Not pushing the Child to disclose details of the alleged assault or attempting to investigate the allegation.
 - c. Assuring the Child that they are understood: that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
 - d. Maintaining confidentiality
9. At all times strict confidentiality should be respected and maintained by all involved in the incident and dealing with the incident.
10. It is an expectation of BCCS that all involved in any incident will be treated fairly and with dignity. BCCS also acknowledges that children being vulnerable and less powerful are in need of nurture and protection.
11. Any disclosures made, allegations made and all details of investigations will be carefully and comprehensively documented and kept secure to ensure the integrity of the investigation and the privacy of those involved.

12. Once an allegation has been made against a staff member that staff member should be suspended from duties until such time as a finding can be determined and a course of action taken.

G. Procedures when a Sexual Assault occurs:

1. The Principal has primary responsibility for overseeing and managing the School's response to allegations of child sexual abuse/assault in a sensitive and timely manner.
2. Those involved in managing such an incident should make reference to *Responding to Allegations of Student Sexual Assault – Section 3: Managing Allegations of Student Sexual Assault* published by the DET insofar as those procedures are appropriate for and will transfer to a school such as BCCS, an independent school.
3. When a disclosure or an allegation has been made to any staff member the Principal should be informed as soon as is practicable. The staff member receiving the disclosure or being informed of the allegation should take comprehensive notes of the disclosure/allegation. It is important that accurate documentation is kept of both the allegation or disclosure and the actions taken as a follow-up with all children/staff and other persons involved.
4. The Principal and the staff member should refrain from any investigation or from making any judgements either as to the validity of the allegation/disclosure or who should be attributed blame etc.
5. The Principal and Staff member concerned should then report the allegation/disclosure to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit. A report should be made to DHS – Child Protection if there is sufficient belief that the parents/guardian/carers of the child are unlikely to ensure the child is kept in a safe environment.
6. The Principal should then make contact with the parents/guardians/carers of the child who is involved unless this is inappropriate (e.g. the alleged perpetrator is the parent or care-giver)
7. In order to avoid compromising a potential criminal investigation the Principal should ask for clear instructions from the Vic. Police SOCA unit as to making contact with and informing parents/caregivers of the victim and the perpetrator and/or any other people involved. Contact should always be sensitive and professional.
8. Where an allegation of student sexual assault has been made, the alleged victim needs to be supported and provided with a safe environment; given clear information about what will happen and in what order it will happen, and also advised that confidentiality will be maintained except where there are concerns that other children or other people may be at risk.
9. In the case of an allegation of sexual assault being made the Principal or those delegated by him/her should take steps to prevent discussion of the incident by the alleged victim or perpetrator and with any staff or students involved. In addition, the location and/or scene of the alleged incident should be secured and kept free of any further traffic until the Police have completed their investigation and have given permission for the area to be used as normal. Any evidence pertaining to the allegation will also need to be secured until such time as the Police have finished using it. This will assist the investigation and prevent the investigation being compromised ensuring a fair and just outcome for both the alleged victim and the alleged perpetrator.

H. Inappropriate Sexual Behaviour (children under 10 years old):

1. This section covers behaviour that would normally be classed as sexual assault but when committed by a child under 10 years of age is referred to as 'inappropriate sexual behaviour.' Under Victorian Law such behaviour perpetrated by a child under the age of 10 cannot be criminally prosecuted.

2. The School will respond appropriately to any allegations of this nature, being sensitive to all children involved in the incident. Where safe and appropriate parents/guardians will be informed and involved in any action taken in response to the incident.
3. Inappropriate sexual behaviour in children is usually an indicator of other underlying issues and situations. If a reasonable belief is formed by the teachers or staff involved Mandatory reporting procedures should be followed as well as consideration re. a report to Victoria Police – SOCA unit.

COMMUNICATION

This policy will be communicated to all staff and revisited annually during the first Staff meeting for the year and individually during meetings with the principal.

The School Board will be sent a copy of the policy and it will be addressed during a subsequent Board meeting. This will be minuted.

APPENDIX 1

Related Legislation:

- Children, Youth and Families Act 2005
- Child Wellbeing and Safety Act 2005

References:

- *Protecting the Safety and Wellbeing of Children and Young People – DEECD & DHS May 2010*
- *Responding to Allegations of Student Sexual Assault – DET July 2007*

Acknowledgement is made to Chairo Christian School for ideas for parts of this policy.

Websites:

- <http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>
- <http://www.cyf.vic.gov.au/family-services/child-first>

Essential Contact Numbers:

Child First -East Gippsland	51520052
Child Protection	1800 020202 (Regional Office) 5177 2500 131 278 (After Hours)
Victoria Police	51502600
Victoria Police SOCA unit	97677469

APPENDIX 2

Parents' access to their children during school hours

Ordinarily parents may have unrestricted access to their child(ren) at school and during school hours, after first ensuring that the classroom teacher is informed and that such access or contact is not going to be disruptive, distracting or a detriment to the child(ren)'s learning or their overall day at school. Parents should always approach the classroom via the School Office. If the child is to be taken from the school for a period of time then the parent/guardian should complete the details in the sign-out book located in the main office.

In cases where there is a separation and/or divorce or similar estrangement the non-custodial parent will not be able to conduct an access visit with their child(ren) at school as it is deemed inappropriate for such an emotionally charged event to take place at school. Children need to maintain good concentration on their schooling and not be distracted by contact with non-custodial parents

Additionally, any contact between non-custodial parents and their child(ren) at school or any school functions/excursions will be refused as a matter of policy for the same reasons mentioned above.

Non-custodial parents will be encouraged to seek contact with their child(ren) through the appropriate legal channels and agreed access conditions.

Where there are **no** legal custody orders or any other legal orders neither parent will be allowed to withdraw their child from the School without the consent of the other parent. Similarly, in these circumstances, normal custodial arrangements (i.e. who brings the child to school, how they go home, who they go home with etc.) may not be varied without the consent of both parents.

If the arrangements need to be varied the School must be notified of the temporary arrangement and of the consent being given by both parents.

The Principal may, at his/her discretion, allow a variation in some circumstances where it is deemed impractical to either receive notification or the consent of both parents. This decision may **only** be made by the Principal.

The Principal may, at his/her discretion, allow some contact in certain cases where there is a separation, divorce or similar estrangement under at least one of the following criteria.

Note this does not include regular agreed access visits.

- The custodial parent/guardian agrees to such contact.
- The relationship between the parties concerned is an amicable one with no threat of violence or other threatening behaviour.
- There are court orders specifically permitting such contact.
- The child(ren) are not stressed, distracted or upset at such contact. The child(ren)'s wellbeing is paramount.