

CHILD SAFE POLICY

PURPOSE

Richmond West Primary School is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Ministerial Order 870 - *Child Safe Standards - Managing the Risk of Child Abuse in Schools* provides guidance on how the Standards apply to a school setting. It came into effect on 1 August 2016. The Standards apply to all organisations that provide services to children.

To implement the minimum Standards in accordance with the Order Richmond West Primary School's governing authorities must:

- take account of the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable; and
- make reasonable efforts to accommodate such diversity.

The Child Safe Standards (the Standards) are compulsory minimum standards for all organisations that provide services to children including Victorian schools. The aim of the Standards is to ensure organisations are well prepared to protect children from abuse and neglect. It is recognised that many schools will have existing policies and procedures that aim to keep children safe.

The Standards provide a framework to identify gaps and improve policy and practices around child safety. On 26 November 2015, the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015*, which amended the *Child Safety and Wellbeing Act 2005* to introduce the Child Safe Standards that would apply to all organisations involved in child related work in Victoria.

The Victorian Registration and Qualifications Authority (VRQA) as regulator for all Victorian schools has responsibility for ensuring compliance with the Child Safe Standards in schools. The Standards are:

- Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- Standard 2: A child safe policy or statement of commitment to child safety
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
- Standard 5: Processes for responding to and reporting suspected child abuse
- Standard 6: Strategies to identify and reduce or remove risks of child abuse
- Standard 7: Strategies to promote the participation and empowerment of children.

SCOPE

Everyone working at Richmond West Primary School is responsible for the care and protection of children and reporting information about child abuse. This policy applies to all staff, including casual relief staff, contractors and volunteers

CHILD SAFE POLICY

To support schools to create a child safe organisation and protect students from all forms of abuse, and in accordance with the Child Safe Standards, Richmond West Primary School will:

- Facilitate the prevention of child abuse occurring within Richmond West Primary School.
- Work towards an organisational culture of child safety.
- Prevent child abuse within Richmond West Primary School.
- Advise all parties of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- Provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation
- Provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
- Provide assurance that any and all suspected abuse will be reported and fully investigated.

DEFINITIONS

Child means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- a. The child is in need of protection,
- b. The child has suffered or is likely to suffer "significant harm as a result of physical injury",
- c. The parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is

CHILD SAFE POLICY

more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a. A child states that they have been physically or sexually abused;
- b. A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c. Someone who knows a child states that the child has been physically or sexually abused;
- d. Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e. Signs of abuse lead to a belief that the child has been physically or sexually abused.

POLICY IMPLEMENTATION

Responsibilities

The principal of Richmond West Primary School is responsible for:

- Dealing with and investigating reports of child abuse;
- Providing information to staff, contractors and volunteers regarding relevant laws, organisational policies and procedures, and Richmond West Primary School Code of Conduct;
- Providing information to all adults within the Richmond West Primary School community regarding their obligation to report suspected sexual abuse of a child in accordance with
- policies and procedures;
- Providing information to all staff, contractors and volunteers regarding their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing information to staff, contractors and volunteers regarding their child protection responsibilities.

All school leaders must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate/minimise any risk to the extent possible;
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.
- Teachers should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All staff/volunteers/parents/contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and Richmond West Primary School's policy and procedures in relation to child protection, and comply with all

CHILD SAFE POLICY

requirements;

- Sign in at the front office, collect an identification badge and wear it at times;
- Staff will report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- Volunteers, parents and contractors should report any suspicion that a child's safety may be at risk to a teacher or member of the principal class (or, if the teacher/principal class are involved in the suspicion, to a responsible person in the organisation); and
- Provide an environment that is supportive of all children's emotional and physical safety.

Employment of new personnel

Persons applying for a role as a teacher with the school must be registered with the Victorian Institute of Teaching.

Richmond West Primary School may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Richmond West Primary School and during their time with Richmond West Primary School at regular intervals.

Richmond West Primary School will undertake thorough reference checks as per the approved internal procedure.

Risk Management

Richmond West Primary School will ensure that child safety is a part of its overall risk management approach.

Richmond West Primary School will have a school leadership team committed to identifying and managing risks at Richmond West Primary School. The school leadership team will receive regular training in relation to child safety.

Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their supervisor about their concern.

In situations where a member of the principal class is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision (e.g. leading teacher).

Teachers must report complaints of suspected abusive behaviour or misconduct to the Principal which must be followed through with a report to an external regulatory body such as Child Protection or the police.

Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria

CHILD SAFE POLICY

Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

Failure to Protect Offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

CHILD SAFE POLICY

Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the principal will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the principal may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The principal will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the principal shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached Richmond West Primary School's policies or Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of Richmond West Primary School's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the school. The findings of the investigation will also be reported to any external body as required.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Richmond West Primary School will have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

FURTHER INFORMATION AND RESOURCES

Related Policies:

- Duty of Care Policy
- Behaviour management Policy
- Bullying Prevention Policy
- Work Place Bullying Policy
- Mandatory reporting Policy
- Working with Children Policy

CHILD SAFE POLICY

This policy must be read in conjunction with:

- The law of the Commonwealth or of the relevant state or territory;
- The Victorian Teaching Profession Code of Conduct;
- Richmond West Primary School Code of Conduct;
- Termination of Employment Policy and Misconduct Procedures.

Related DET Resources

- [Child Protection - Reporting Obligations](#)
- [Responding to Student Sexual Offending](#)

EVALUATION

This policy will be reviewed as part of the school's review cycle, OR if DET regulations change, or following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.