



Child Safety Policy

Including Mandatory Reporting

Version:	V1.2	Date Authorised: 19 th May 2021
Authorised By:	Board Chairperson Roger Mclvor	Principal Lynn Morrison
Review Date:	19th May 2022	

Child Safety Contacts

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Introduction

Under legislation, duty of care obligations and the Christian beliefs of Bairnsdale Christian Community School Inc., the School is committed to providing a safe environment to all students and to upholding their best interests and wellbeing. The processes detailed in this Policy are designed to facilitate these commitments and are compliant with Ministerial Order No. 870 as outlined in section 4.3.1(6)(d) of the *Education and Training Reform Act 2006*.

Bairnsdale Christian Community School has a zero tolerance for any form of child abuse. We believe ALL children are fearfully and wonderfully made and therefore are committed to promoting and providing a child safe environment where children and young people are safe, feel safe, and their voices are heard.

Every person involved in Bairnsdale Christian Community 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 children and young people is at the forefront of all they do and every decision they make.

1. Purpose

Our emphasis is that the school welcomes community participation, at each of its services, and values input by families and the wider community supports. Community members, especially parents, guardians and carers play a crucial role in the academic, social, emotional, and physical development of their children. We are committed to ensuring that children and young people feel happy, safe, and secure, and have the maximum opportunity to learn and become all God created them to be. As such, the purpose of this policy is to provide procedure and direction for the whole School community to align with our Mission Statement:

- 1.1. Achieve the school's commitments to child safety standards.
- 1.2. Facilitate the prevention of child abuse occurring within Bairnsdale Christian Community School and/or during events associated with the school.
- 1.3. Working towards an organisational culture of child safety.
- 1.4. Ensuring all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing child abuse and/or detecting and reporting abuse when it occurs.
- 1.5. Providing the school community with guidance as to action that is required where they suspect abuse within or outside the school community.
- 1.6. Assisting the school community to feel safe and enabled to disclose child safety concerns.
- 1.7. Providing assurance that children who disclose child abuse will be supported and action will be taken to ensure their safety.
- 1.8. Providing assurance that any and all suspected abuse will be reported to the appropriate authorities.

- 1.9. Providing assurance that any and all suspected abuse that occurs by staff, volunteers or contractors will be reported and fully investigated.
- 1.10. Providing a clear statement to the school community, including visitors, volunteers, and contractors that we have a zero tolerance of child abuse.

2. VIT Registration Requirements

VIT registered teachers are legally mandated to report child abuse both within Bairnsdale Christian Community School and outside the organisation. This policy relates only to the procedures required as an employee of Bairnsdale Christian Community School. It is the teacher's individual and professional responsibility to be aware of the reporting procedures if the abuse occurs outside the school.

3. Definitions

- 3.1. **Bairnsdale Christian Community School** includes both BCCS Kindergarten and the Prep – Year 6+ Primary school.
- 3.2. **Child** means a person up to the age of 18 years of age.
- 3.3. **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 result in actual or potential harm to a child.
- 3.4. **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 or 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 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 inhibition in preparation for sexual activity with the child.
- 3.5. **Confidentiality:** It is important when handling complaints information that the confidentiality of all parties concerned are respected. Information will be regarded as confidential if:
 - 3.5.1. the information has the necessary quality of confidence' in that any unauthorised use would be detrimental to a party and that:
 - 3.5.2. it was shared or confided under circumstances where there was a special need for trust, (e.g., between the Head of School/ Year Level Coordinator and the complainant, or between the Principal and the alleged offender).
 - 3.5.3. Information will be shared only if it is necessary to comply with the requirements of this policy (designated persons) or as required by law.
- 3.6. **Designated persons** are persons designated to perform the specific duties, often in the absence or unavailability of senior staff.
- 3.7. **Harm** caused to a student under 18 years is any detrimental effect of a significant nature on a student's physical, psychological, or emotional wellbeing. It is immaterial how the harm is caused. The harm can be caused by physical, psychological, or emotional abuse or neglect or sexual abuse or exploitation.
- 3.8. **Inappropriate Behaviour** by a Staff Member towards a Student:

- 3.8.1. Inappropriate Behaviour is NOT defined by law.
- 3.8.2. It includes inappropriate behaviour by a staff member towards a student that is unwelcome or familiar behaviour that causes a student to feel uncomfortable, is a misuse of the staff member's position of power or trust in relation to the student, or which breaches the trust implicit in an adult-student relationship. All behaviours must comply with accepted societal values, professional and contractual obligations, current legislation and/or legal precedent.
- 3.8.3. Behaviour which would be regarded by a reasonable person to be inappropriate between an adult and a child will be responded to as such even if the child does not reject it or indicate it is unwelcome. NB: Many of these behaviours fall under the criminal offence of "grooming" or "maintaining a relationship with a child".
- 3.9. **Incident** any activity or set of circumstances of inappropriate behaviour, sexual abuse, or suspected sexual abuse, or where harm has occurred or is reasonably suspected.
- 3.10. **Independent Protection Advisor** may be appointed by the School, and is independent of the School, but available for assessment of complaints.
- 3.11. **Natural Justice** The principle of natural justice will apply to processes and decisions under this policy. The principles of natural justice are that:
 - 3.11.1. A person alleged to have behaved improperly has a right to particulars of what has been allegedly done.
 - 3.11.2. Has the right to respond to the allegations.
 - 3.11.3. Has a right to be heard in an unbiased forum.
 - 3.11.4. The application of these principles are subject to the provisions of the Acts covered by this policy.
- 3.12. **Neglect** The term neglect in this policy may be defined as any act or omission whereby the child is not cared for in the reasonable opinion of the School. According to the Australian Institute of Family Studies, neglect occurs when a child's basic necessities of life are not met, and their health and development are affected.
 - 3.12.1. *Basic needs include:* Food, Housing, Health care, Adequate clothing, Personal hygiene, Hygienic living conditions, Timely provision of medical treatment, Adequate supervision.
- 3.13. **Notifier** is a person who brings notice of a student safety matter to the attention of the School.
- 3.14. **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:

- 3.14.1. The child is in need of protection,
- 3.14.2. The child has suffered or is likely to suffer "significant harm as a result of physical injury",
- 3.14.3. The parents are unable or unwilling to protect the child.
- 3.14.4. A 'reasonable belief' or a 'belief of reasonable grounds' is not the same as having proof but is more than mere rumors 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:

- 3.14.5. A child states that they have been physically or sexually abused;
- 3.14.6. A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- 3.14.7. Someone who knows a child states that the child has been physically or sexually abused.
- 3.14.8. 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
- 3.14.9. Signs of abuse lead to a belief that the child has been physically or sexually abused.

3.15. **Relevant Person** means:

- 3.15.1. A child enrolled in any program of the School or Kindergarten; or
- 3.15.2. A person with a disability who is being provided with special education at the School.

3.16. **Relevant State Authority** is defined as the Police, Department of Health and Human Services (DHHS) or Commission for Children and Young People (CCYP).

3.17. **Staff** includes all staff, without exception, whether paid or volunteers, e.g., those involved in teaching or administration, bus drivers, cleaners, grounds men, sporting coaches, sporting referees, teacher assistants, and volunteers working in any capacity for the School and/or Kindergarten.

3.18. **Student** means any person regardless of age who is enrolled at Bairnsdale Christian Community School including BCCS Kindergarten.

3.19. **Student Protection Officers** refers to (at least 2) named and published staff members to whom students may refer complaints. At Bairnsdale Christian Community School, these staff members include the Principal and Business Manager. The Board Chairperson is appointed unanimously by the Board as the **Designated Director** to receive and report Sexual Abuse matters regarding Students.

3.20. **Teacher** is a person employed in the capacity of a registered teacher at the School or Kindergarten, and includes full time, part time, casual and re-appointments.

3.21. **Unacceptable Risk** if the report of alleged inappropriate behaviour/harm is of such concern that in the reasonable view of the Principal (with consultation) the person implicated would be a danger – that person can be stood down or suspended in the interim.

3.22. **Unprofessional Conduct** is any behaviour which, by its nature, is inappropriate, unwise and has potentially damaging consequences.

3.23. **Vexatious Complaint** includes:

- 3.23.1. A complaint that would be an abuse of a legal process such as a court or tribunal; and
- 3.23.2. A complaint instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose; and
- 3.23.3. A complaint instituted or pursued without reasonable ground; and
- 3.23.4. A complaint conducted in a way to harass or annoy, cause delay or detriment, or achieve another wrongful purpose.

4. The Law

The School obligations in relation to this policy are covered by the following:

- 4.1. Equal Opportunity Act 2010 (Vic)
- 4.2. Education & Training Reform Act 2006 (Vic)
- 4.3. Ministerial Order 870
- 4.4. Child, Youth and Families Act 2005 (Vic)
- 4.5. Privacy and Data Protection Act 2014 (Vic)
- 4.6. Protected Disclosures Act 2012 (Vic)
- 4.7. Working with Children Act 2005 (Vic)
- 4.8. Child Wellbeing and Safety Act 2005 (Vic)
- 4.9. Children's Services Act 1996 (Vic)
- 4.10. Victorian Institute of Teaching Act 2001 (Vic)
- 4.11. Crimes Act 1958 (Vic)
- 4.12. Crimes Amendment (Grooming) Act 2014
- 4.13. Betrayal of Trust Implementation, Child Safe Standards and Capacity Building Consultation Report 2015 - State of Victoria, Department of Health and Human Services.

5. Principles

This policy is founded on the values and organisational beliefs as stated in the BCCS Staff Handbook. Every person working within the BCCS community is responsible for the care and protection of students and reporting information about child abuse.

6. Policy Statement

- 6.1. Procedures and measures are put into place to oversee the proper care of students, especially for students who are vulnerable or more likely to be 'at risk'.
- 6.2. The School will comply with the mandatory reporting requirements under law.
- 6.3. The School has processes in place allowing it to respond to issues of student safety and protection promptly and consistently.
- 6.4. The School will work in partnership with the State authorities.
- 6.5. The School will work as appropriate with Department of Health and Human Services

- 6.6. The School will work in partnership with parents as part of the contractual relationship established by the enrolment contract.
- 6.7. The School will provide appropriate pastoral support for students and families.
- 6.8. Penalties for breach of this policy will attract School-imposed penalties additional to any imposed at law.

7. Responsibilities

The School Board:

- 7.1. Will discharge their duties in accordance with Ministerial Order 870 by allocating the duty of managing the risk of child abuse to the Principal.
- 7.2. Will receive regular reports from the Principal at board meetings.
- 7.3. Will ensure the School Complaints and Grievance Policies covers child safety complaints.
- 7.4. Will appoint a Designated Director to receive and report (to external authorities) any allegations relating to sexual abuse, including likely sexual abuse.

The Principal:

- 7.5. Will promote and arrange for in-service training for staff in legal compliance with child safety legislation and matters contained in this policy.
- 7.6. Will have a responsibility to report any allegations of misconduct that may include reportable conduct to the CCYP within three days of becoming aware of the allegation.
- 7.7. Will need to notify the CCYP of all allegations of conduct that may involve reportable conduct by employees, contractors, volunteers, allied health staff and school board members.
- 7.8. The Reportable Conduct Scheme does not change a principal's mandatory reporting and other reporting obligations. Principal's must contact Victoria Police if they suspect a criminal offence has occurred involving a child.
- 7.9. Will appoint Student Protection Officers for the Kindergarten and School campus.
- 7.10. Will implement procedures for screening of all persons involved in the School.
- 7.11. In cases of sexual abuse, or a reportable suspicion, will mandatorily report such alleged offences to the relevant State authorities in accordance with mandatory requirements.
- 7.12. Will consult with the School leadership within the School as appropriate.
- 7.13. In all matters of sexual abuse allegations, advise the Designated Director.
- 7.14. Will investigate reports of inappropriate behaviour internally and according to the principles of natural justice.
- 7.15. Will respond to concerns raised about psychological or emotional harm, neglect and exploitation including as appropriate by investigation and referral to the Department of Health and Human Services.
- 7.16. Will take all necessary action in the standing down of any staff/student in relation to matters covered by this policy and carrying out any disciplinary measures noted in the policy.
- 7.17. Will report any investigation carried out regarding the conduct of a teacher to the Victorian Institute of Teachers, pursuant to the Victorian Institute of Teachers Act 2001.

Designated Director

- 7.18. Will be available to receive and to report any allegations of sexual abuse, including likely sexual abuse.

Student Protection Officers

- 7.19. Will be appointed by the Principal in each campus.
- 7.20. Will undertake training in the requirements of the role.
- 7.21. Will be known to staff and students and should be a person that will be accessible.
- 7.22. Will follow the procedures set out in this policy.
- 7.23. Must inform the Principal or Designated Director of all incidents of harm, or where harm is reasonably suspected, or of sexual abuse, or suspected sexual abuse, or inappropriate behaviour which are brought to their attention, in accordance with Annexure A.

All Staff, Volunteers and Contractors

- 7.24. Share in the responsibility for the prevention and detection of child abuse and must:
- 7.25. Familiarise themselves with the relevant laws, the Code of Conduct, and the School's policies and procedures in relation to child protection and comply with all requirements.
- 7.26. Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as police and/or DHHS) and fulfil their obligations as a mandatory reporter.
- 7.27. Report any suspicion that a child's safety may be at risk, to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in leadership within the School); and
- 7.28. Provide an environment that is supportive of all children's emotional and physical safety.

Students

- 7.29. All students are expected to contribute to the care and wellbeing of other students by complying with all School policies, rules, and directions. Students may report concerns or allegations covered under this policy to the Designated Director, Principal, Business Manager, Student Protection Officers, and any other staff member.

NOTE: 'Fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse'

8. Implementation

Bairnsdale Christian Community School takes reasonable steps to employ skilled people to work with children. We develop selection criteria which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. Our organisation understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

Bairnsdale Christian Community School undertakes a comprehensive recruitment process which aims to:

- 8.1. Promote and protect the safety of all children under the care of the organisation.

- 8.2. Identify the safest and most suitable people who share the School's values and commitment to protect children; and
- 8.3. Prevent a person from working at the School if they pose a risk to children.
- 8.4. Bairnsdale Christian Community School requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with the School.
- 8.5. Persons applying for a role as a teacher with the School must be registered with the Victorian Institute of Teaching. Bairnsdale Christian Community School may require applicants to provide a police check in accordance with the law and as appropriate before they commence working at the School at regular intervals.
- 8.6. All non-teaching staff and volunteers must have a current Working with Children Check. The school may require applications to provide a police check in accordance with the law as appropriate before they commence working at Bairnsdale Christian Community School and during their time with the school at regular intervals.
- 8.7. Bairnsdale Christian Community School will undertake thorough reference checks as per the approved internal procedure.
- 8.8. Once engaged, workers/volunteers must review and acknowledge their understanding of this policy on a yearly basis.

9. Child Safe Code of Conduct

All our staff and volunteers must agree to abide by our Code of Conduct which specifies the standards of conduct required when working with children. All staff, volunteers, students, and their families are given the opportunity to provide feedback on the Code of Conduct.

10. Training, Support and Supervision

Bairnsdale Christian Community School provides support and supervision so that people feel valued, respected and fairly treated. Our school culture aims for everyone in our organisation to understand that child safety is everyone's responsibility and ensure that staff and volunteers (in addition to parents/carers and children) feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse.

- 10.1. We also support our staff and volunteers through ongoing supervision to develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.
- 10.2. The School checks VIT registrations for teachers, and WWCCs for all other directly employed staff annually. The VIT and WWCC organisations regularly check the suitability of staff for child connected work throughout the period that the registration/check is held.
- 10.3. Staff complete Staff Intention forms annually. This form outlines expectations and confirms that staff are still in agreement with the School Statement of Faith. It provides opportunity for staff to voice any concerns they may have regarding their employment.

- 10.4. Staff are accountable to read and familiarise themselves with and sign off on reading School policies annually.
- 10.5. Staff are aware that they are accountable to their peers, supervisors and ultimately, God. As a result of introducing the Child Safe Standards into the School, staff are alerted to risks and are responsible to voice any concerns to their supervisor.
- 10.6. All staff are required to complete the Victorian Government Mandatory Reporting Training annually [The Department of Education and Training's Online Learning Management System \(elmtalent.com.au\)](http://elmtalent.com.au)
- 10.7. See Responsibilities above for further information on staff supervision.

Where possible, the School will:

- 10.8. Organise for trade-based works to take place outside of school hours.
- 10.9. Endeavour to employ regular contractors for trade works.
- 10.10. Ensure that contracts include child safety standards and expectations.

11. Timely Response

The Principal will ensure that a timely response to all issues of child safety and wellbeing will be made, within the legislative and required time frames e.g., CCYP 3 days.

12. Investigation

- 12.1. The School staff do not in any way investigate mandatory reporting matters. They will cooperate with the State authority.
- 12.2. For an action falling short of mandatory reporting, the Principal may decide on several responses including investigating the matter internally or with the assistance of an external investigator.
- 12.3. Other actions may include:
 - 12.3.1. Working in partnership with parents,
 - 12.3.2. Referrals to Family and Child Support Services,
 - 12.3.3. Notifying the Department of Health and Human Services and Police as a matter of discretion (even if not mandatory). Any allegations involving possible criminal behaviour by a staff member towards a student (irrespective of age) will be reported to the Police and the Victorian Institute of Teachers.

13. Consequences of Breach of Policy

Conduct which breaches this policy may result in criminal penalties as decided by legal process.

- 13.1. In all such cases the Principal will stand down a staff member pending the result of investigation by the Police.
- 13.2. Other breaches of this policy, which may not result in external penalties, will result in consequences imposed by the Principal, and may include:
 - 13.2.1. apology
 - 13.2.2. counselling
 - 13.2.3. warning

- 13.2.4. demotion
- 13.2.5. suspension
- 13.2.6. standing aside
- 13.2.7. Termination or in the case of a student, expulsion.

14. Protection for Notifier

- 14.1. Section 41 of the *Children, Youth and Families Act 2005*, provides for the confidentiality of information supplied by the person making a notification.
- 14.2. Also, Section 41A of the *Child Safety and Wellbeing Act 2005*, provides for the protection from civil liability for persons, who, acting honestly, notify or give information about suspected harm to a child. It states that merely because the person gives the notification or information, the person cannot be held to have breached any code of professional etiquette or ethics or departed from accepted standards of professional conduct.
- 14.3. In accordance with these Acts and this policy the School will protect the identity of the notifier of information – unless required otherwise by law.

15. Anonymous Complaints

Such complaints, by their very nature, provide difficulties, however the School will investigate the validity of each one to the extent possible, and report to the authorities as contemplated by this policy.

16. Record Keeping

Any staff member who has concerns about the safety or wellbeing of a child, either suspicious or disclosed, MUST:

- 16.1. Keep anecdotal records of observations, focusing on the persistence of indicators over time and the severity of effects.
- 16.2. If speaking to a child, keep questions to what/where/when.
- 16.3. Take only short notes – must not investigate.
- 16.4. Present such documentation to a Student Protection Officer. (Appendix A)
- 16.5. Should the Principal need to interview the child further, the same procedures must be followed. Records must be kept in a locked file by the Head of Pastoral Care / Principal.

17. Review of Policy

This Policy will be reviewed at least annually or earlier if required.