



Rationale:

Winchelsea Primary School is committed to promoting and protecting the interests and safety of children where there is zero tolerance for child abuse.

This policy applies to school staff, employees, volunteers, contractors and visitors who are responsible for the care and protection of children and for reporting information about child abuse. The 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.

Purpose:

The purpose of this policy is to:

- Facilitate the prevention of child abuse occurring within Winchelsea Primary School.
- Work towards an organisational culture of child safety.
- Ensure that all parties are aware of their responsibilities for identifying possible occasions/opportunities for child abuse and for establishing controls and procedures for preventing such abuse.
- 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.

Philosophy and Values

Winchelsea Primary School believes we must provide a safe, caring and challenging environment that supports all students to be active participants in their learning in preparation for life long success.

Our school values of *Be Kind, Be Safe and Learn Well* underpin the purpose of our work so all children can reach their full potential.

Winchelsea Primary School will promote the principles and practices of Australian democracy, including a commitment to:

- An elected Government
- The rule of law
- Equal rights for all before the law
- Freedom of religion
- Freedom of speech and association
- The values of openness and tolerance

Policy

- ❖ Child protection is a shared responsibility between the Winchelsea Primary School, all employees, workers, contractors, associates, and members of the Winchelsea community.
- ❖ Staff will be informed as to their responsibilities and procedures relating to child safety.
- ❖ Staff must read and become familiar with the Winchelsea Primary School Implementation Guide relating to this policy as well as the Winchelsea Primary School *Child Protection Code of Conduct*.
- ❖ Winchelsea Primary School supports and respects all children, staff and volunteers.
- ❖ Winchelsea Primary School is committed to promoting and protecting, at all times, the best interests of children involved in its programs.
- ❖ All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.
- ❖ Winchelsea Primary School has zero tolerance for child abuse.
- ❖ Everyone working at Winchelsea Primary School is responsible for the care and protection of the children within their care and reporting information about suspected child abuse.
- ❖ Winchelsea Primary School is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
- ❖ If any person believes a child is in immediate risk of abuse, telephone 000.

References/Related Policies/Legislation:

This policy must be read in conjunction with:

- The law of the Commonwealth or of the relevant state or territory;
- Winchelsea Primary School Mandatory Reporting Policy
- Winchelsea Primary School Student Welfare Policy.

This policy was last reviewed in: 2019

- Winchelsea Primary School Code of Conduct
- Winchelsea Primary School Duty of Care Policy
- Winchelsea Primary School Bullying and Harrassment Policy
- Winchelsea Primary School Philosophy and Values Policy
- *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 (Cwth)*
- *Crimes Act 1958 (Vic)*

Three new criminal offences have been introduced under this Act:

- 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.
- Failure to protect offence: This offence will apply when a child under the age of 16 under the care, supervision or authority of a relevant organisation becomes 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 that risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- 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.

RESPONSIBILITIES AND EXPECTATIONS

The **school council** of Winchelsea Primary School has overall responsibility for ensuring policies and procedures are in place for the detection and prevention of child abuse. The school council is also responsible for ensuring that a *Child Protection Code of Conduct* is in place.

The Principal of Winchelsea Primary School is responsible for:

- ❖ Dealing with and investigating reports of child abuse;
- ❖ Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the *Code of Conduct*;
- ❖ Ensuring that all adult employees within the Winchelsea Primary School community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- ❖ Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the *Code of Conduct* (particularly as it relates to child safety);
- ❖ Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.
- Promoting child safety at all times;
- Assessing the risk of child abuse within his/her area of control and eradicating / minimising any risk to the extent possible;
- Educating employees about the prevention and detection of child abuse;
- Facilitating the reporting of any inappropriate behaviour or suspected abusive activities;
- Ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870

All school staff of Winchelsea Primary School (employees, volunteers and contractors) are responsible for:

- Ensuring they are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.
- The responsibility for the prevention and detection of child abuse, and must be proactive to take appropriate actions if there are concerns about the safety of any child at the school.
- Familiarising themselves with the relevant laws, the *Code of Conduct*, and Winchelsea Primary School's policy and procedures in relation to child protection, and comply with all requirements
- Reporting 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;
- Report any suspicion that a child's safety may be at risk to the principal (or, if the principal is involved in the suspicion, to the Regional Director);
- Providing an environment that is supportive of all children's emotional and physical safety;
- Upholding high principles and standards and treating children with dignity and respect;
- Undertaking regular training and education in order to understand their responsibilities in relation to child safety and the well being of children and young people.

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 but is not limited to 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 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.

Employment of New Personnel

Winchelsea Primary School undertakes a comprehensive recruitment and screening process for all workers which aims to:

- Promote and protect the safety of all children under their care;
- Identify the safest and most suitable people who share Winchelsea Primary School's values and commitment to protect children; and
- Prevent a person from working at Winchelsea Primary School if they pose a risk to children.

Winchelsea Primary School requires all workers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Winchelsea Primary School.

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

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

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

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy.

Risk Management

At Winchelsea Primary School we are committed to proactively and systematically identifying and assessing risks to students 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.

Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must notify the appropriate child protection service, police and principal about their concern.

This policy was last reviewed in: 2019

If the principal 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 Department of Education and Training and the Regional Director.

The Principal or Supervisor must report complaints of suspected abusive behaviour or misconduct to the Department of Education and also to any external regulatory body such as the police. 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.

Note: the requirements set out in the Department's *School Policy and Advisory Guide* apply at all times

Investigating

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

The principal will also 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 the *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 the organisation's policies or *Code of Conduct*) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. 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. Winchelsea 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.

Reviewing

Every two years, and 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 school's care.

Winchelsea Primary School CHILD SAFETY CODE OF CONDUCT

Code of Conduct for employees, volunteers and contractors working with children and young people.

Staff, volunteers and contractors at Winchelsea Primary School are required to abide by this code.

Staff are expected to sign a statement that they agree to abide by the Winchelsea Primary School's *Child Safety Code of Conduct*.

The Principal and Leadership Team will:

- Be responsible for the overall welfare and wellbeing of staff and volunteers.
- Be accountable for managing and maintaining a duty of care towards other staff and volunteers.
- Nominate a Child Protection Officer (Karlie Jones) to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

All Staff and volunteers involved in the care of children on behalf of Winchelsea Primary School will:

1. Operate within the policy and guidelines of Winchelsea Primary School.
2. Work towards the achievement of the aims and purposes of the organisation.
3. Be responsible for relevant administration of programs and activities appropriate to their work.

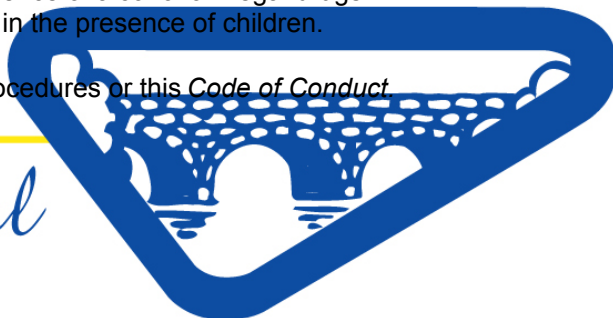
This policy was last reviewed in: 2019

4. Maintain a duty of care towards others at all times.
5. Establish and maintain a child safe environment.
6. Be fair, consistent and honest with all others.
7. Treat children and young people with respect and value their ideas and opinions.
8. Act as positive role models in their conduct with children and young people.
9. Be professional in their actions at all times.
10. Maintain strict impartiality.
11. Comply with specific Department of Education guidelines on physical contact with children.
12. Respect the privacy of children, their families and carers, and only disclose information to people who have a need to know.
13. Maintain a child safe environment for children and young people.
14. Contact the police (000) if a child is at immediate risk of abuse.

No person shall:

- Shame, humiliate, oppress, belittle or degrade children or young people.
- Unlawfully discriminate against any child.
- Engage in any activity with a child or young person that is likely to physically or emotionally harm them.
- Initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves.
- Be alone with a child or young person unnecessarily and for more than a very short time.
- Develop a 'special' relationship with a specific child or young person for their own needs.
- Show favouritism through the provision of gifts or inappropriate attention.
- Arrange contact, including online contact, with children or young people outside of the school's programs and activities.
- Photograph or video of a child or young person without the consent of the child and his/her parents or guardians.
- Work with children or young people while under the influence of alcohol or illegal drugs.
- Engage in open discussions of a mature or adult nature in the presence of children.
- Use inappropriate language in the presence of children.
- Do anything in contravention of the school's policies, procedures or this *Code of Conduct*.

Winchelsea
Primary School



Evaluation:

- This policy will be reviewed every 2 years