

Essendon Primary School No. 483



Essendon Primary School ~ Child Safety Policy and Guidelines~

'Follow the Gleam'

Policy Date: June 2018

Next Revision: June 2019

PURPOSE OF THE POLICY

The purpose of this policy is to demonstrate the strong commitment of **Essendon PS** to the care, safety and wellbeing of all students at our school. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.

This policy applies to school staff, including school employees, parents, volunteers and contractors.

PRINCIPLES

State schools have a moral and legal responsibility to create nurturing school environments where children and young people are respected, their voices are heard, they feel safe and they are safe.

The following principles underpin our commitment to child safety at Essendon PS

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our school works in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers.
- All adults in our school, including teaching and non-teaching staff, volunteers and contractors as well as the broader school community have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and children and young people.
- Policies and practices demonstrate compliance with legislative requirements and cooperation with governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, volunteers, contractors, parents/guardians/caregivers and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.

DEFINITIONS USED IN THIS POLICY

Child: A child or a young person enrolled as a student at the school.

Child abuse includes:

- (a) any act committed against a child involving:
- (i) a sexual offence
 - (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- (b) the infliction, on a child, of:
- (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) serious neglect of a child. Ministerial Order No. 870

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. Ministerial Order No. 870

Child neglect: The failure by a parent, guardian or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. (Safe Schools Hub)

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent, guardian or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. (Safe Schools Hub)

Child protection: Statutory services designed to protect children who are at risk of serious harm. (Safe Schools Hub)

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. (Safe Schools Hub)

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. (Safe Schools Hub)

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the

relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

School staff means an individual working in a school environment who is:

- (a) directly engaged or employed by a school governing authority
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) Ministerial Order No. 870.

POLICY COMMITMENTS

All students enrolled at **Essendon PS** have the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

Our commitment to our students

- (a) We commit to the safety and wellbeing of all children and young people enrolled in our school.
- (b) We commit to providing children and young people with positive and nurturing experiences.
- (c) We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
- (e) We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (f) We commit to seeking input and feedback from students regarding the creation of a safe school environment.

Our commitment to parents and guardians

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- (d) We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.
- (e) We commit to continuously reviewing and improving our systems to protect children from abuse.

Our commitment to our school staff (school employees, volunteers and contractors).

- (a) We commit to providing all **Essendon PS** staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- (b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
- (c) We commit to listening to all concerns voiced by **Essendon PS** staff, volunteers, and contractors about keeping children and young people safe from harm.
- (d) We commit to providing opportunities for **Essendon PS** school employees, volunteers and contractors to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

RESPONSIBILITY COMMITMENTS

Everyone employed or volunteering at **Essendon PS** has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make.

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

Guide to Responsibilities of School Leadership

The principal, the school governing authority and school leaders at **Essendon PS** recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870

Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers and contractors) include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal school processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- following the school's Child Safety Code of Conduct.

REVIEW

At **Essendon PS** we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance. This policy applies to all staff, all students and all volunteers at all times. It is intended to be reviewed each year to ensure all staff are familiar with the requirements. Please note that all teachers are required to observe all levels of the procedures established in the Student Engagement and Well-Being Policy

ORGANISATIONAL AND SUPERVISION COMMITMENTS

All employed staff and volunteers at **Essendon PS** have a responsibility to become familiar with and to understand the preemptive measures taken by the school to ensure student learning, safety and wellbeing. These are addressed as part of our employment and induction process, when recruiting volunteers, through teacher registration and continuous performance and development cycles and professional learning.

Teachers are required to maintain the highest standards of care for our students. This duty is termed Duty of Care. It relates to all aspects of our interactions with students and there are strict legal responsibilities applied. Student supervision is central to carrying out these obligations. The following student supervision practices outlines the requirements. All staff are charged with the responsibility to strictly adhere to this policy.

Learning Community Supervision

ALL students must be supervised at ALL times by teaching staff.

Teachers must at all times to be aware of each student in their care. The development of a 'roving eye' and a good peripheral vision will ensure students are engaged safely in their learning and intervention when required, is timely and appropriate.

No student is to be left unsupervised in any area at any time

Parents working with students must be in the learning community or within visual contact of the learning advisor who is responsible for Duty of Care

Line Up

Each homeroom has a designated line up area at the end of each recess. They should line up in an orderly and quiet manner before entering the building for the beginning of each teaching and learning session.

All teachers must

- *be on time*
- *establish consistent expectations and routines that is aligned with SWPBS Matrix Expectations*
- *maintain order by ensuring that ALL students are ready to enter the room in a safe and respectful manner*

Student Movement

At all times student movement around the school must be supervised, quiet and orderly, keeping in mind the impact on surrounding learning communities. All access to learning communities is via external doors. This applies to all instances where students move as a group to specialist areas, to sport and whole school incursions or events. This minimises the risk of injury or inappropriate behaviour, or disturbance/disruption to any other area of the school.

- Student movement around the school, both internal and external, must be closely supervised and within visual and voice range of a teacher.
- At all times teachers must know the whereabouts of, and be responsible for students in their care. This applies to students on errands, and to sick students, students going to the toilet
- Students may only be sent to the sick bay after first contacting Office Staff. All students must be sent with a partner
- Student visits to the toilet must be controlled and monitored. The procedure must be clearly understood, articulated and age appropriate
- Safety procedures such as in pairs, internal access and movement must be clearly outlined encouraging students to go to the toilet during breaks (Children with difficulties in this area must be given consideration and allowed access)

Inclement weather (Wet Day and Hot Day declarations) to be made by the Principal

- severity of the weather
- condition of the yard
- frequency of either wet or hot days

Yard duty teachers may advise Principal Class if the weather changes during a recess (Students will quietly enter the building and the wet/hot day procedures will operate.

Supervision is undertaken by all staff utilising the Wet/Hot Day Supervision Timetable

- Teachers will nominate appropriate wet day activities.
- Students will carry out these activities, sitting at tables or in small groups on the floor
- No child is to leave the room to go to the toilet, taps or bags without the permission of the supervising teacher

Yard Supervision

Yard Duty is essentially about student safety and care, and must be carried out diligently and conscientiously. All yard duty teachers are required to wear a fluorescent yellow jacket to indicate to students that they are the supervising yard duty teacher, carry the first aid bag; and employ the emergency card system to support their yard duty responsibilities. All staff are required to wear a suitable sun smart hat in Terms 1&4.

Yard duty teachers are responsible for student supervision in their allocated timetabled area.

Yard duty takes precedence over ALL classroom issues. The yard duty teachers must be on duty immediately after the bell rings and are required to walk out with the students as they are dismissed.

Students are supervised in the yard from 8.45 to 9am and 3.30 to 3.45pm, as well as all of recess and lunch. The school gates will be locked soon after 9am and opened just before 3:30pm each school day. Access to the school during the school day by parents, volunteers and contractors will be via the school administration area. The presence of any individual apart from students and staff in the yard during recess or lunch must be noted and dealt with immediately. Only authorised visitors (who will have a signed and dated pass issued from the office) should be permitted to remain in the yard and even so, their presence must be monitored by the Yard Duty teacher.

First Aid Yard Duty

A staff member is allocated to First Aid Yard Duty at recess and lunchtime. Yard duty teachers should use their discretion before sending students inside to first aid.

A First Aid report must be completed via Compass if the incident involves

- Serious Injuries requiring parent contact for monitoring or medical intervention
- Injuries to the head, eyes, teeth or genital area
- A piece of Playground equipment
- A visitor to the school

Documentation

The following documentation must be used in relation to student supervision:

- The official roll is marked using Compass twice each day at 9:10am and 2:35pm.
- Sign out register via the Compass Kiosk by Parent/Guardian for early dismissal. The Office manager will call the relevant Learning Community to ask the students to come to office with bag and reason why. If parents arrive at the classroom please redirect them to the front office.
- First Aid Pass Card from the yard to the First Aid room during lunchtime
- Late Passes from Office at Compass Kiosk
- First Aid treatment advice sent to parents via Compass

- Playground incidents are to be recorded on paper proforma &/or Compass Chronicle to support student playground interactions. Homeroom teachers must follow up any unaddressed issues or more serious areas of concern through personal or class discussions.

CHILD SAFETY CODE OF CONDUCT

The protection of children and young persons is the responsibility of all adult members of the **Essendon PS** community including staff, School Council members, parents, volunteers, contractors and visitors. We all share responsibility for promoting the wellbeing and safety of children and must behave appropriately towards them when they are in our actual or virtual presence. We expect school employees, School Council members, parents, volunteers, contractors and visitors to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school employees must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements. Essendon PS has developed a Child Safety Code of Conduct, which recognises the critical role all members of the school community play in protecting students in our care and establishes clear expectations of school employees, School Council members, parents, volunteers, contractors and visitors for appropriate behaviour with children. This code of Conduct aims to protect children in order to safeguard them against abuse, neglect and/or harm.

All adult members of the school community, school employees, School Council members, parents, volunteers, contractors and visitors at **Essendon PS** are expected to actively contribute to a school culture that respects the dignity of its members and follows the school's core values. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below. The Principal and Leadership Team of Essendon PS will provide information and support to enable the code of conduct to operate effectively.

Principles for adult's behaviour in undertaking child-connected work:

- The adult/child relationship should at all times be professional.
- The adult's response to a child's behaviour or circumstance should be commensurate with the child's age and vulnerability and the adult's responsibility for the care, safety and welfare of the child.
- An adult should not be alone with a child unless it is in accordance with their roles and responsibilities

Standards of behaviour:

School employees, School Council members, parents, volunteers, contractors and visitors are responsible for supporting the safety of children by:

- respecting the privacy of children
- taking all reasonable steps to protect children from abuse
- treating everyone in the school community with respect
- behaving as positive role models
- maintaining appropriate physical and emotional boundaries in interactions with children
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/or the safety of another child.
- respecting the language, customs and religious practices of a child's family
- promoting the culture of safety, participation and empowerment of all children, regardless of age, gender, culture, vulnerability, sexuality, ethnicity or ability

- actively ensuring the diversity of all children, including the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities and vulnerable children are acknowledged and catered for.
- reporting immediately to the Principal or Principal's delegate if a reasonable belief or suspicion that a child has been or is being abused or neglected has been formed ensuring as quickly as possible that the child(ren) is (are) safe if an allegation of child abuse is made
- alerting the Principal or Principal's delegate if a breach of this code is observed.

Unacceptable behaviours:

School employees, School Council members, parents, volunteers, contractors and visitors must not:

- ignore or disregard any suspected or disclosed child abuse
- behave in a discriminatory way towards children
- develop any 'special' relationships with children that could be seen as favouritism
- exhibit or initiate behaviours with children that may be construed as unnecessarily physical contact
- engage in prejudicial, oppressive or threatening behaviour towards a child
- put children at risk of abuse
- engage in open discussion of a mature or adult nature in the presence of children
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- communicate privately with children outside of the context of their professional or volunteer relationship
- have any online contact with a child (including by social media, email, instant messaging etc) unless if for a legitimate school purpose
- take photos or videos of children in the school environment, or publish photos or videos (including online), that are not for authorised school purposes, or taken or published without the authorisation of the child's parents or guardians.
- use any personal communication channels/device such as a personal email account
- exchange personal contact details such as phone number, social networking sites or personal email addresses with a child
- work with children whilst under the influence of alcohol or illegal drugs
- consume excessive amounts of alcohol at school events that are held out of hours and in the presence of children

Teachers are also required to abide by the principles relating to relationships with students as set out in the *Victorian Teaching Profession Code of Conduct* published by the Victorian Institute of Teaching. These principles include:

- knowing their students well, respecting their individual differences and catering for their individual abilities
- working to create an environment which promotes mutual respect
- modelling and engaging in respectful and impartial language
- protecting students from intimidation, embarrassment, humiliation and harm
- respecting a student's privacy in sensitive matters
- interacting with students without displaying bias or preference
- not violating or compromising the unique position that a teacher holds of influence and trust in their relationship with students.

- avoiding, where practicable, situations where an adult may be alone with a student such as in a dressing or change room, first aid room, camp dormitory or other similar camp/trip accommodation, or when the student needs to be transported in a vehicle.

Breaches of this code

Employees of **Essendon PS** who breach this code of conduct will be liable to disciplinary action in accordance with the DET disciplinary policies.

Such disciplinary action may include a written warning, modification or suspension from duties or the termination of their employment.

Contractors and volunteers of **Essendon PS** who breach this code of conduct may face termination of their engagement with **Essendon PS**. Employees of contractors or subcontractors may also be refused permission to continue working in the **Essendon PS** school environment. School Council members, volunteers, parents and visitors who breach this code of conduct may receive a verbal and/or a written warning or be refused permission to attend the school site or school events via the Summary Offences Act 1966.

In appropriate cases, a breach may be referred to the Victoria Police and/or a regulatory body, such as the Victorian Institute of Teaching.

As a member of, contractor with, or visitor to **Essendon PS**, I hereby agree to adhere to this Child Safety Code of Conduct:

Name:(printed)

.....

Role: (Please Circle)

- Staff Member
- Parent
- Contractor
- Visitor
- CRT
- Student Teacher
- Work Experience
- Other

Child's name:

.....

Please specify:

.....

Signature:

.....

Date:

STUDENT SAFETY AND PARTICIPATION

At **Essendon PS** we actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.

REPORTING AND RESPONDING

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the [Betrayal of Trust](#) report.

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Our school's **Mandatory Reporting Policy** updated **2016**, sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Our school has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

Our complaints and disclosure processes are outlined and detailed in the following policies and procedures:

- **Staff code of conduct**
- **Child safety Policy including Employment process**
- **Supervision of Students Policy & Procedures**
- **Raising community concerns and complaints process policy**
- **Volunteer Parent helpers policy**
- **Community Participation policy**

SCREENING AND RECRUITMENT OF STAFF

Essendon PS will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children.

We have processes for monitoring and assessing the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements 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.

We actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check. Please see the [Working with Children Check](http://www.workingwithchildren.vic.gov.au) website <www.workingwithchildren.vic.gov.au> for further information. We carry out reference checks and police record checks to ensure that we are recruiting the right people. Police record checks are used only for the purposes of recruitment and are discarded after the recruitment process is complete. We do retain our own records (but not the actual criminal record) if an applicant's criminal history affected our decision making process.

If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

CHILD SAFETY EDUCATION AND TRAINING FOR SCHOOL STAFF

Essendon PS provides employees and volunteers with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

Education and training is included in the learning architecture of the PLC schedule. Staff are also given time to complete DET online learning modules on Mandatory reporting, anaphylaxis etc

RISK MANAGEMENT

At **Essendon PS** we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

RELEVANT LEGISLATION

- *Children, Youth and Families Act 2005* (Vic.)
- *Working with Children Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Privacy Act 1988* (Cth)
- *Crimes Act 1958* (Vic.) – Three new criminal offences have been introduced under this Act:
 - a. **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to

report that information to police. Failure to disclose the information to police is a criminal offence.

- b. **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- c. **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.

RELATED POLICIES

14.1 Department of Education Policies

- Policy 2.2: Guidelines Relating to the Employment of Staff
- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols
- Ministerial Order 199
- Mandatory Reporting

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, **Essendon PS** may start the process under Complaints, Misconduct and Unsatisfactory Performance guidelines for managing employment concerns. This may result in disciplinary consequences.

Where the **principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Regional Director. Relevant notification should also be made to the Department of Education and Training.

Where any **other member of the school community** is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with the appropriate policy and/or contact Department of Education (Conduct and Ethics Branch and Legal Branch) and Department of Health and Human Services (DHHS).

REFERENCES

Responding to allegations of student sexual assault

www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1
[http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx - 1](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx)

Government Schools Website:

www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandardshhttp://www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards
<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards>

Safe Schools Hub 2014, [National Safe Schools Framework Glossary](#), Australian Government Department of Education and Training.

State of Victoria 2016, [Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870](#), Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Victorian Government Department of Justice 2016, [Betrayal of Trust Implementation](#).

Victorian Institute of Teaching For Victorian Teaching Profession Codes of Conduct and Ethics and information about employee responsibilities to report action against registered teachers in response to allegations and concerns about registered teachers.

Website: www.vit.edu.au<http://www.vit.edu.au>
