

Child Safe Policy – Victoria

Section	Welfare
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1. Purpose

The Anglican Schools Commission (ASC) is committed to child safety and has developed this policy to assist Principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so is supporting a consistent approach by all ASC schools to this important issue.

2. Principles

The Anglican Schools Commission acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. Within its schools the protection strategies and procedures to be followed are based on the following principles:

- 2.1 The ASC Core Values: Faith, Excellence, Justice, Respect, Integrity and Diversity guide the ASC in the development of its Child Protection Policy.
- 2.2 **All adults have a responsibility to care for children**, to positively promote their welfare and to protect them from any kind of abuse.
- 2.3 All children have the right to a thorough and systematic education about personal safety, including safety in relationships.
- 2.4 The ASC and its schools are committed to child safety and have a zero tolerance of child abuse.
- 2.5 The ASC is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.
- 2.6 The ASC and its schools are committed to fulfilling our legal responsibilities in the area of child abuse.
- 2.7 The ASC and its schools are committed to fulfilling our legal responsibilities in the area of child abuse.
- 2.8 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 2.9 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 2.10 All ASC schools will enable school staff, parents and children to understand, identify, discuss and report child safety matters.
- 2.11 All students should know that they are valued as persons from the time they enter the school community. This pastoral dimension should influence every aspect of the school's life.
- 2.12 The ASC promotes the cultural safety of Aboriginal children at all ASC schools.
- 2.13 The ASC promotes the cultural safety of children from culturally and/or linguistically diverse backgrounds at all ASC schools.
- 2.14 The ASC promotes the safety of children with a disability.
- 2.15 The value of the family unit is to be respected but this should not be to the detriment of the well-being of a child.

- 2.16 All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
- 2.17 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse, in line with legislation and DHHS and Victoria Police requirements. With the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, Child Safe Officer or Counsellor), the Principal must ensure that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
- 2.18 All school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.
- 2.19 All ASC Schools will ensure regular training and educating of staff on child abuse risks.
- 2.20 The ASC and its schools abide by the legal and moral obligations to report all forms of abuse.
- 2.21 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

3. Relevant Policies, Procedures and Legislation

- 3.1 This policy must be read in conjunction with the following ASC policies and procedures:
- Mandatory Reporting of Child Sexual Abuse Policy and Procedures – Victoria
 - Reporting of Abuse and Neglect Policy and Procedures – Victoria
 - Risk and Compliance Policy, Strategy and Framework
 - Dispute and Complaint Resolution Policy and Guidelines for Implementation
 - Allegations of Misconduct against Employees in ASC Schools and Guidelines for Interviewing of Students by Police
- 3.2 Each ASC school is responsible for developing and reviewing school based policies, procedures and guidelines in line with the ASC Child Protection Policy and those policies listed above. Related school based policies include, but are not limited to:
- Working with Children Check Policy
 - Recruitment and Selection of Staff Policy.
- 3.3 Relevant legislation:
- Children, Youth and Families Act 2005 (Vic)
 - Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
 - Education and Training Reform Act 2006
 - Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870
 - Amendments Crimes Act 1958 (Vic)
 - Crimes Amendment (grooming) Act 2014
- 3.4 Once endorsed, the Child Protection policy must be made available within the school community (e.g. school website, newsletters, posted in prominent locations, included in staff and family handbooks, included in staff, volunteer and contractor induction processes).
- 3.5 The ASC will review and update this policy and associated policies on an as needs basis (e.g. change to legislation or following an incident). As a minimum the policy will be reviewed every three years.

4. Definitions

Child: is defined as a person who is under the age of 17 years or, in the absence of positive evidence of age, as a person who is apparently under 17 years of age.

Child-connected work: means work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

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

- directly engaged or employed by a school governing authority;
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary), and including a chaplain or minister or religion. A school lead for child safety should have sufficient status and authority, including leadership support and the ability to direct other staff (where appropriate), to undertake the role effectively.

Student aged 17 and over: a students aged 17 and over attend school but are legally considered adults and as such the Department of Health and Human Services (DHHS) does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. Schools should contact the Police when aware of any assault or crime against a young adult.

Sexual Abuse: is when any person uses their authority or power over a child or young person to engage in sexual activity. Examples include sexual penetration, inappropriate touching, and exposure to sexual acts or pornographic materials.

Physical Abuse: consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from a failure of a parent or caregiver to adequately ensure the safety of a child, exposing the child to extremely dangerous or life threatening situations. Physical abuse also includes fabricated illness syndrome and female genital mutilation.

5. Staff and Volunteer Code of Conduct

5.1 All ASC Schools are required to have a Code of Conduct that:

- is publically available;
- states as its objective the promotion of child safety in the school environment;
- sets standards about the ways in which school staff are expected to behave with children;
- takes into account the interests of school staff (including other professional or occupational codes of conduct that regulate particular school staff), and the needs of all children; and
- is consistent with the school's child safety strategies, policies and procedures as revised from time to time; and
- is endorsed by the ASC Board on a 3 yearly basis (as a minimum).

5.2 The Code of Conduct will be used be each school:

- As part of induction training for new leadership members, staff and volunteers;
- As part of annual training for existing leadership members, staff and volunteers;
- As a discussion topic at staff meetings and/or display in common areas (such as staff room);

- To inform parents/carers and other person associated with the school what behaviour they can expect from the school's leadership, staff and volunteers;
 - to support and inform organisational protocols and reporting procedures should breaches of the code be suspected or identified;
 - To communicate the Staff and Volunteer Code of Conduct to students in an appropriate way;
 - Include a reference to the code of conduct in employment advertisements and contracts to ensure compliance.
- 5.3 Schools must also provide guidelines on how to comply with the Staff and Volunteer Code of Conduct, including an explanation distinguishing between grooming and sexual abuse, and clearly delineating the boundaries between appropriate and inappropriate interaction between students and between students and adults. Information on sexual abuse and grooming is covered in the Mandatory Reporting of Child Sexual Abuse Policy and Procedures – Victoria
- 5.4 Schools must retain a record that staff, contractors and volunteers have read and understood the Staff and Volunteer Code of Conduct.
- 5.5 The ASC's Staff and Volunteer Code of Conduct is provided in Appendix A. This forms the minimum standard for all schools, however, individual schools may wish to add additional elements.

6 Child Empowerment and Participation Education

- 6.1 All ASC schools must have in place developmentally appropriate protective behaviours curriculum covering what the boundaries are between appropriate and inappropriate interactions and when, how and who to tell when a boundary is crossed. This must be readily available, easy to understand and user-friendly for children.
- 6.2 Appropriate education must also be delivered about:
- standards of behaviour for students attending the school;
 - Healthy and respectful relationships (including sexuality);
 - Resilience; and
 - Child abuse awareness and prevention.

7 School Staff recruitment practices

- 7.1 All ASC schools must develop recruitment practices which:
- Are robust to help ensure the best applicants are employed with each step of process done consistently and thoroughly;
 - Engage only those who are suitable to work with students;
 - Make every attempt to assess commitment to the Staff and Volunteer Code of Conduct on the part of the applicants;
 - Include induction to the school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming, and abuse and mandatory reporting obligations.
- 7.2 Each job or category of jobs for school staff that involves child-related work must have a clear statement that sets out:
- The job's requirements, duties and responsibilities regarding child safety; and
 - The job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.
- 7.3 All applicants for jobs that involve child-related work for the school must be informed about the school's child safety practices (including the code of conduct).
- 7.4 In accordance with any applicable legal requirement (e.g. Working with Children Check, Federal Police Clearance) or school policy, the school must make reasonable efforts to

gather, verify and record the following information about a person whom it proposes to engage to perform child-related work:

- Working with Children Check status, or similar check;
- Proof of personal identity and any professional or other qualifications;
- The person's history of work involving children; and
- References that address the person's suitability for the job and working with children.

Appendix B provides selection criteria examples that can be used as part of the recruitment process, including advertising, interviews and reference checks.

8 School Staff and Volunteer supervision practices

8.1 All ASC schools must develop supervision practices for staff and volunteers to:

- Develop their skills to protect children from abuse;
- Promote the cultural safety of Aboriginal children;
- Promote the cultural safety of children from linguistically and/or diverse backgrounds;
- Promote the cultural safety of children with a disability.

8.2 All schools will ensure that new employees and volunteers are supervised regularly to ensure they understand the commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (as per the Staff and Volunteer Code of Conduct). Any inappropriate behaviour will be reported through the appropriate channels, including the relevant child protection agencies, depending on the severity and urgency of the matter.

9 School Staff and Volunteer Education and Training

All ASC schools must have in place training for staff and volunteers that identifies, assesses and minimises the risks of child abuse, and detects potential signs of child abuse.

10 Mandatory Reporters

All obligations for mandatory reporters are covered in the *Mandatory Reporting of Child Sexual Abuse or Physical Injury Policy and Procedures - Victoria*.

11 Non-mandatory reporters

Everybody had a duty to report concerns that involve the safety of children and young people. All reporting obligations for non-mandatory reporters is covered in the *Mandatory Reporting of Child Sexual Abuse or Physical Injury Policy and Procedures - Victoria*.

12 Risk Management

12.1 Each school must manage child abuse risks and evaluate annually the effectiveness of child safe management strategies adopted. The following steps must be considered:

- Identify the school's child safety risks across the range of school environments (including excursions, camps, online).
- Identify any existing risk mitigation measures or internal controls.
- Assess and rate the school's child safety risks given the existing controls in place, taking into account the likelihood of risk, and the likely consequence of the risk.

12.2 If the risk rating is more than the 'acceptable level', identify further risk management strategies through additional controls or other prevention, detection or mitigation strategies and then re-assess the risk.

Refer to Appendix C for a sample risk register. This section is designed to be read in conjunction with the Risk and Compliance Policy, Framework and Strategy.

13 Procedures: Roles and Responsibilities

13.1 The Anglican Schools Commission

If formal notification is to be made to the appropriate child protection authority or service, the Principal should inform the CEO of the Anglican Schools Commission as the official representative of the School Authority.

The Anglican Schools Commission Office will:

- Assist Principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
- Assist Principals in arranging professional development for designated staff in a protective behaviours curriculum.
- If necessary assist the Principal or her/his delegate when a case of child abuse or neglect is disclosed, or where there is a belief, based on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff of the school making the referral are offered appropriate support to adjust to any consequences of the referral.
- Provide any other assistance to the Principal or his/her delegate to ensure other aspects of the ASC Child Protection Policy are met.

13.2 The Principal

The role of the Principal:

- The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.
- The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.
- The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child sexual and physical abuse. Further information on the detection and reporting of child abuse is provided in the policies listed in Section 3.
 - In the case of sexual or physical abuse, it is the mandatory reporter who is required to make the report to DHHS Child Protection.
 - Any staff member who is a mandatory reporter must advise the Principal in regard to any report they make to DHHS Child Protection as soon as is practicable to do so.
- Advice must be sought from DHHS Child Protection, Child FIRST or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned. Mandatory reporters are able to share information with DHHS Child Protection and Child FIRST without legal or professional consequences, as long as it is done in good faith.
- Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Victorian Institute of Teaching (VIT) and to the CEO of the ASC. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.
- The Principal, assisted by the mandatory reporter, must retain records of all communication with DHHS Child Protection, Child FIRST, the Police, the VIT and the CEO of the ASC and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file

on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

- The Principal, with the appropriate assistance, must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes. Confidentiality must be maintained.

13.3 The Department of Health and Human Services – Child Protection

The role of the Department of Health and Human Services – Child Protection:

- The Department of Health and Human Services (DHHS) is the government department with the statutory authority to investigate concerns relating to child sexual or physical abuse in Victoria.
- In the case of sexual or physical abuse, the mandatory reporter must provide a written report to DHHS Child Protection.
- DHHS Child Protection and Child FIRST can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- The role of the DHHS Child Protection is to:
 - Receive reports from people who believe a child needs protection from abuse or neglect.
 - Provide advice to people who report cases of abuse or neglect.
 - Investigate when a child is believed to have been abused or is at risk of abuse or neglect.
 - Refer children and families to services in the community for ongoing support and harm prevention.
 - Take matters to the Children's Court if the child's safety within the family cannot be guaranteed.
 - Supervise children on legal orders granted by the Children's Court.
- DHHS Child Protection may conduct interviews of children without parental knowledge or consent of the parent/carers, although this will only occur in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

13.4 Victoria Police

- Victoria Police may play a role in responding to allegations of child sexual or physical abuse when informed by DHHS Child Protection.
- In all cases of physical abuse, sexual abuse and serious neglect where Child Protection is investigating, Victoria Police must work with DHHS Child Protection for the duration of the Child Protection investigation. This means that Victoria Police and DHHS Child Protection will conduct joint interviews with the child, alleged non-offending and offending parents and any other persons relevant to the investigation to determine whether criminal charges will be laid.

13.5 The Professional Standards Unit of the Diocese of Melbourne

- The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.

- The PSU will investigate the matter and make a recommendation to the school and the ASC.

13.6 The Victorian Institute of Teaching (VIT)

- School Principals must notify the VIT straight away if he/she become aware that a registered teacher you employ is charged with, committed for trial for or convicted or found guilty of a sexual offence.
- The VIT will gather relevant information about concerns in relation to a teacher and determine appropriate disciplinary responses.

APPENDIX A**Staff and Volunteer Code of Conduct**

All staff, volunteers and council members of [insert name of school] are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All personnel of [insert name of school] are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- Adhering to the Anglican Schools Commission Child Protection Policy at all times/upholding its commitment to child safety at all times;
- Taking all reasonable steps to protect children from abuse;
- Treating everyone with respect;
- Listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- Promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification);
- Promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- Promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities);
- Ensuring as far as practicable that adults are not left alone with a child;
- Reporting any allegations of child abuse to the Principal, and ensuring any allegation is reported to the Police or DHHS Child Protection;
- Reporting any child safety concerns to the Principal or child safety officer;
- Understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse;
- If an allegation of child abuse is suspected or made, ensure as quickly as possible that the child(ren) are safe and protected from harm;
- Encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Staff and Volunteers must not:

- Develop any 'special' relationships with children that could be seen as favouritism or amounting to grooming behaviour (for example, the offering of gifts or special treatment for specific children);
- Exhibit behaviours with children which may be construed as unnecessarily physical (for example, inappropriate sitting on laps. Sitting on laps could be appropriate sometimes, for example, while reading a storybook to a small child in an open plan area);
- Ignore behaviours by other adults towards students when they appear to be overly familiar or inappropriate;
- Put children at risk of abuse (e.g. by locking doors);
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- Use inappropriate language in the presence of children;
- Express personal views on culture, race or sexuality in the presence of children;
- Discuss content of an intimate nature or use sexual innuendo with students, except where it occurs relevantly in the context of parental guidance, delivering the education curriculum or therapeutic setting;

- Discriminate against any child, including because of culture, race, ethnicity, sexuality, age, gender, vulnerability or disability;
- Have contact with a child or their family outside of the school without the Child Safety Officer's/leadership knowledge and/or consent (e.g. no babysitting). Accidental contact, such as seeing people in the street, is appropriate;
- Have any online contact with a child or their family (unless necessary, for example, providing families with e-newsletters, social media, email, instant messaging, texting);
- Photograph or video a child in a school environment except in accordance with school policy (consent should be obtained);
- Ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to the Principal.

I agree to adhere to this Code of Conduct:

Name:

Signature:

APPENDIX B**School Staff Recruitment Practices Checklist****Selection Criteria**

Developing appropriate selection criteria for the position is a valuable step to reducing the risk of appointing someone who poses a child safety risk. It will also ensure that applicants have a specific knowledge and skills required for the position.

Examples of appropriate selection criteria may include:

- Must have experience working with children
- Must be able to demonstrate an understanding of appropriate behaviours when engaging with children

Does your selection criteria clearly state the experience, qualifications, qualities and attributes expected from the successful applicant?	
Does your selection criteria outline the supervision and accountability processes in place which support child safety?	

Applicants should have the opportunity to indicate their understanding of, or any experience they have in working with children with diverse needs and/or backgrounds.

Does your selection criteria include a demonstration of the needs of children with a disability?	
Does your selection criteria include a demonstration of Aboriginal safety and awareness?	
Does your selection criteria include a demonstration of cultural safety for children from culturally and/or linguistically diverse backgrounds?	

Advertising

Does your advertisement include a message about your school's commitment to child safety?	
Does your advertisement include reference to your code of conduct and child protection policy?	
Does your advertisement inform applicants that appropriate rigorous reference and background checking will be undertaken, include a Working with Children Check and police record and identity check?	

Does your advertisement include a statement about your school's commitment to the safety, participation and empowerment of all children, including those with a disability?	
Does your advertisement include a statement about your school's commitment to cultural safety, inclusion and empowerment of Aboriginal children, their families and communities?	
Does your advertisement include a statement about your school's commitment to the safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds?	

Interviews

The interview process is a very important step in selecting the right people for your school and in identifying any people who may pose a risk to children. Give yourself sufficient time to plan and prepare for the interview process, and form an interview panel with the right mix of experience and skills to carry out the interview, ensuring that all panel members are clear on what the position requires.

An open-ended style of behavioural-based questioning will give you an insight into the applicant's values, attitudes and understanding of professional boundaries and accountability. Some useful questions may include:

'Tell us about why you want to work with children?'

'Describe a time when you had to manage a child whose behaviour you found challenging?'

'Tell us about a time when you had to comfort a distressed child?'

Have you prepared a list of open-ended questions which will determine how the interviewee will behave in certain situations?	
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Ask for more information if the applicant does not provide sufficient information in his or her responses. Did you notice any warning signs such as?

Unexplained lengthy gaps in employment history?	
The applicant says they do not value or 'need' supervision.	
The applicant is evasive or inconsistent in his or her answers.	

Pre-employment screening

Screening applicants (including paid and volunteer positions) is a good tool for helping to prevent people who may abuse children from entering your school.

Police Checks

It is important to be upfront and ask the applicant if they have any criminal convictions, formal disciplinary action taken against them, or any finding of improper or unprofessional conduct. This could involve the applicant signing a declaration as part of an application form.

You could also cover this in a face-to-face interview. This may be challenging for the interview panel, particularly if the person is already known to you, but the applicant's response should demonstrate a sufficient level of professionalism as well as an understanding of your obligations. To help introduce this difficult topic, you could say to the applicant that you have some specific questions about child safety because your organisation takes child safety seriously.

Have you included a question about whether the applicant has any criminal convictions, cautions, other legal or pending cases, including formal disciplinary action, which may affect their suitability to work with children?	
If addressed during a face-to-face interview, did you take notice of how the applicant responds to questions with regard to his or her words and body language?	
Have you undertaken a police record check (which includes identity check)?	

Working with Children Check

Does the applicant hold a valid Working with Children Check, if required? OR If the applicant does not hold a valid Working with Children Check, and it is required, has the applicant provided evidence that they have applied for a Working with Children Check, and does your school have processes in place to follow up pending applications?	
Has the applicant provided you with evidence of their Working with Children Check, or evidence of their application for a Working with Children Check?	

Referee checks

Do the referees provided by the applicant include line managers who can be objective, rather than colleagues or friends?	
Has the applicant provided their most recent line manager as a referee? If not, have they provided you with a satisfactory reason?	
Have you spoken to at least two of the referees by telephone? Did you confirm with them their name and position provided to you by the applicant?	

When speaking to the referees, ask about any concerns they may have about the applicant working with children with questions such as:

'What did the applicant do when... [for example, they had to comfort a distressed child]?'

'Do you have any concerns about the applicant's attitude towards Aboriginal people / people from culturally and/or linguistically diverse backgrounds / people with a disability?'

'Do you have any concerns about the applicant working with children?'

'Would you employ this person again?'

Additional checks

Additional checks will confirm the identity of the applicant and that their responses have been truthful.

Have you checked the identity of the applicant (for example, that their driver's licence/passport has the same name they have provided you)?	
Did you see a certified copy of the applicant's qualifications (if required)?	

