



Primary Only	Secondary Only	<b>Combined Policy</b>
<b>Both Campuses</b>	Taylor's Hill Only	Mernda only

**RATIONALE**

Child protection is based on the understanding that each person is created in the image of God and is precious in His sight. There is a Biblical imperative to ensure that children are treated with care and respect as modeled by Jesus Christ (Matthew 18:6; 19:14).

Gilson College provides a values-based education which focuses on the development of the whole child and where the home and school work together harmoniously to provide this education. In this context, there is a legislative and moral imperative that there is a zero tolerance for any forms of child abuse and where the school, through its teachers, provide duty of care and take every precaution to avoid abuse happening.

In this context, Gilson College will abide by the tenets of the Department of Education and Training (DET) Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (see Appendix 1) and Responding to Suspected Child Abuse: A Template for all Victorian Schools, which is referred to in this policy. All teachers, other staff members, volunteers, contractors, other service providers and School Council members must understand and abide by the legal, professional, and moral obligations to implement child protection and child safety policies, protocols and practices.

**SCOPE**

This policy applies to all staff, contractors, volunteers, education practicum students, students and other stakeholders at Gilson College and covers information about reporting allegations of:

- inappropriate behaviour by a staff member causing harm to a child or group of children,
- harm or suspected harm of a student by any other person.

**DEFINITIONS AND LEGISLATION**

**Relevant Definitions**

"Harm" means physical, sexual, emotional or psychological abuse and neglect of children. Reference to a "child" or "children" is inclusive of children and young people up to the age of 18 years.

"Student" means a child enrolled at Gilson College.

"Reportable conduct" means any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

**Relevant Legislation**

Gilson College is committed to:

- implementing protective systems and practices;
- planning safe and supportive environments and
- responding appropriately to allegations of abuse and allegations of inappropriate behaviour toward children and young people.

Gilson College also has a duty of care and a legislated responsibility to promote the wellbeing, safety and protection of children and young persons, from all forms of harm. Gilson College recognises the principles of the child protection legislation below:

- The Children, Youth and Families Act 2005 (as amended in 2011)
- Working with Children Act 2005
- Child Wellbeing and Safety Act 2005
- The Charter of Human Rights and Responsibilities Act 2006
- The Crimes Amendment (Grooming) Act 2014
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001
- Crimes Act 1958 (VIC)

Further, Gilson College is also accountable under the Child Safe Standards which were introduced in response to recommendations made by the Betrayal of Trust report. The Ministerial Order No. 870 – Managing the Risk of Child Abuse in Schools was made under the Education and Training Reform Act 2006 (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards.

*This policy was updated on*

## IMPLEMENTATION

### **Statement of Commitment and Principles**

Seventh-day Adventist Schools (Victoria) Ltd is committed to ensuring the safety, welfare and wellbeing of children is maintained at all times during their participation in learning and other activities run by its schools. Within each school, a best practice approach to creating a safe environment includes procedures for responding to allegations and disclosures of reportable conduct of children and young people, based on the following principles:

- all children and young people have a right to safety and freedom from abuse of any kind.
- all adults working with children and young people have a responsibility to care for them, to promote their wellbeing and to protect them from any form of reportable conduct.
- when any action is taken to prevent or respond to any type of reportable conduct, the welfare and wellbeing of the child or young person are the primary concerns.
- the integrity of the family unit is respected but not to the detriment of the child or young person.
- the dignity of persons involved in situations where reportable conduct is suspected or disclosed, should be respected and they should be treated with fairness, sensitivity, dignity and respect.
- in the interests of justice, appropriate confidentiality should be maintained, with information that relates to suspected or disclosed abuse being provided only to those who have a right or a need to be informed.

### **Health and Safety**

Each school will protect students from harm as far as it is reasonably able. The safety, wellbeing and best interests of our students are of primary importance. The school will ensure the health and safety of staff in accordance with work health and safety legislation.

## **Conduct of Staff, Contractors, Volunteers & Education Practicum Students**

All staff, contractors, volunteers and education practicum students must ensure that their behaviour towards and relationships with students reflect proper standards of care for students in accordance with the ASA and VIT and Codes of Conduct. Staff, contractors, volunteers and education practicum students must not cause harm to students.

### **Inappropriate Behaviour**

If a student considers the behaviour of a staff member, volunteer, contractor, education practicum student or stakeholder in the school to be inappropriate, the student should report the behaviour to the:

- Principal or
- Child Safety Officer, School Counsellor, Chaplain or any other staff member.

### **Dealing with Information about Sexual Abuse, Harm and any other Inappropriate Behaviour**

If a staff member receives a report of inappropriate behaviour about another staff member, contractor, volunteer, education practicum student or stakeholder in the school that the student considers inappropriate, the staff member receiving the report must immediately report it verbally and then in writing to the Principal. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must provide verbal information followed by a written report to the Director of Education Seventh-day Adventist Schools (Victoria) Ltd.

### **Mandatory reporting requirements**

Mandatory reporting describes the legal obligation of certain professionals and community members to report incidences of child abuse. These people are called 'mandated reporters'. If the mandated reporters fail to report they may be fined and/or incarcerated. Section 182 (1) of the Children, Youth and Families Act 2005 (as amended in 2011) lists the following people as mandated to report:

- registered medical practitioner
- a nurse
- a midwife
- a person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act
- the principal of a Government school or non-Government school within the meaning of the Education and Training Reform Act 2006
- a member of the police force.

### **Reasonable Belief**

A mandated reporter does not need to have proof to report any concerns that they have about the safety of a child under 16. Indicators that represent reasonable grounds to report a suspected offence include:

- a child or young person discloses that he or she has suffered or is suffering non accidental physical injury or sexual abuse
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

### **Abuse and Neglect Types Which Must Be Reported**

- physical abuse
- sexual abuse

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage).

### **Crimes Act 1958 (Vic.)**

In response to the Betrayal of Trust report three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- failure to disclose offence, which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
- failure to protect offence, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
- grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

### **Failure to Disclose**

Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Victoria Police.

Failure to disclose the information to the Police is a criminal offence under Section 327 of the Crimes Act 1958(Vic.) and applies to all adults (18 years and over) in Victoria, not just professionals who work with children.

The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

### **Failure to Protect**

Any school staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under Section 49C (2) of the Crimes Act 1958 (Vic.).

In a school context, this will include the principal and the business manager and may also extend to school counsellors, heads of departments and heads of schools.

For further information about the 'failure to protect' offence, see Department of Justice and Regulations - Failure to protect offence and the Betrayal of Trust: Fact Sheet.

### **Grooming**

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in Section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the 'grooming offence', see Department of Justice and

Regulation – Grooming offence and the Betrayal of Trust: Fact Sheet.

**Accessibility of Policy**

This policy is accessible on the school website and will be available on request from the school administration. Each new staff member, contractor, volunteer, education practicum student and other school stakeholder will be made aware of the policy as part of their induction. Comprehensive training will be provided to all staff on an annual basis.

**Awareness of Policy**

Staff, contractors, volunteers, education practicum students, students and parents will be made aware of the policy by its display on the school website and in the Staff Handbook.

**Policy Approved by**

This policy was shared with staff on: 7<sup>th</sup> February, 2017

This policy was ratified by the College Council on: 15<sup>th</sup> February, 2017

This policy was updated on: 7<sup>th</sup> February, 2017