Tyers Primary School – Child Safety Policy

Purpose of this Policy

Tyers Primary School is a community focused school that strives for excellence. Our aim is to empower students to acquire, demonstrate, articulate and value the self-motivation, skills and knowledge that will support them, as life-long learners, to participate in and contribute to live a fulfilling life as a productive member of the global society. We encourage our students and families to practise the core values of the school: respect, compassion, integrity, empathy, advocacy and courage.

Everyone in society has a moral responsibility to keep children safe and to protect them from harm. Tyers Primary School is committed to the safety and wellbeing of children and young people. Our school community recognises the importance of, and a responsibility for, ensuring our school is a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of children and young people, and enables them to thrive in their learning and development.

Rationale

All Victorian schools are required to have a child safety policy or statement of commitment to child safety that details:

- the principles that will guide the school in developing policies and procedures to create and maintain a child safe school environment; and
- the actions the school proposes to take to:
  - demonstrate its commitment to child safety and monitor the school's adherence to its child safety policy;
  - support, encourage and enable school staff, parents, and children to understand, identify, discuss and report child safety matters; and
  - support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse.
  - Ensure that child safety is considered in the recruitment, selection and management of staff (includes contractors and volunteers)

Ministerial Order No. 870 (available at www.vrqa.vic.gov.au/childsafety) states that Child abuse includes:

- Any act committed against a child involving –
  - A sexual offence or
  - An offence under section 49 B (2) of the Crimes Act 1958 (grooming),
- The infliction, on a child, of –
  - Physical violence or
  - Serious emotional or psychological harm, and
- Serious neglect of a child.

Statement of Commitment to Child Safety

*Tyers Primary School is committed to safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making.*

*Tyers Primary School has zero tolerance for child abuse.*

*Tyers Primary School is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Particular attention will be paid to the cultural safety of Aboriginal*
children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

Every person involved in Tyers Primary School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

Tyers Primary School’s principles for child safety.
In its planning, decision-making and operations Tyers Primary School will:
1. Take a preventative, proactive and participatory approach to child safety;
2. Value and empower children to participate in decisions which affect their lives;
3. Foster a culture of openness that supports all persons to safely disclose risks of harm to children
4. Respect diversity in cultures and child rearing practices while keeping child safety paramount;
5. Provide written guidance on appropriate conduct and behaviour towards children;
6. Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development;
7. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues;
8. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities;
9. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk; and
10. Value the input of and communicate regularly with families and carers.

Code of Conduct
This Code of Conduct aims to protect children and reduce any opportunities for child abuse or harm to occur. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, Department policy, school policies and procedures and professional standards, codes or ethics as these apply to staff and other personnel. This Code of Conduct should be read in conjunction with the Tyers Primary School, Statement of Values as delineated in Appendix 1 of the Tyers Primary School Student Engagement and Inclusion Policy.

The Principal and school leaders of Tyers Primary School will support implementation and monitoring of the Code of Conduct, and will plan, implement and monitor arrangements to provide inclusive, safe and orderly schools and other learning environments. The Principal and school leaders of Tyers Primary School will also provide information and support to enable the Code of Conduct to operate effectively.

All staff, contractors, volunteers and any other member of the school community involved in child-related work are required to comply with the Code of Conduct by observing expectations for appropriate behaviour below. The Code of Conduct applies in all school situations, including school camps and in the use of digital technology and social media.
Acceptable behaviours

As staff, volunteers, contractors, and any other member of the school community involved in child-related work individually, we are responsible for supporting and promoting the safety of children by:

- upholding the school’s Statement of Commitment to Child Safety at all times and adhering to the school’s child safe policy,
- treating students and families in the school community with respect both within the school environment and outside the school environment as part of normal social and community activities,
- listening and responding to the views and concerns of students, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child,
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students,
- promoting the cultural safety, participation and empowerment of students with culturally and/or linguistically diverse backgrounds,
- promoting the safety, participation and empowerment of students with a disability,
- reporting any allegations of child abuse or other child safety concerns to the school’s leadership.
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse, and
- if child abuse is suspected, ensuring as quickly as possible that the student(s) are safe and protected from harm.

Unacceptable behaviours

As staff, volunteers, contractors, and any other member of the school community involved in child-related work we must not:

- ignore or disregard any concerns, suspicions or disclosures of child abuse,
- develop a relationship with any student that could be seen as favouritism or amount to ‘grooming’ behaviour (for example, offering gifts),
- exhibit behaviours or engage in activities with students which may be interpreted as abusive and not justified by the educational, therapeutic, or service delivery context,
- ignore behaviours by other adults towards students when they appear to be overly familiar or inappropriate,
- 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 a therapeutic setting,
- treat a child unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity,
- communicate directly with a student through personal or private contact channels (including by social media, email, instant messaging, texting etc) except where that communication is reasonable in all the circumstances, related to school work or extra-curricular activities or where there is a safety concern or other urgent matter,
- photograph or video a child in a school environment except in accordance with school policy or where required for duty of care purposes, and
- in the school environment or at other school events where students are present, consume alcohol contrary to school policy or take illicit drugs under any circumstances.
Human resources practices & training

The school applies best practice standards in the recruitment and screening of staff, and will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with them. We will ensure that staff induction, education and training programs are a vital part of our commitment to safeguarding children and young people from abuse and neglect. All prospective staff and volunteers are required to undergo National Criminal History Records check and maintain a valid Working with Children Check as required by Department of Education and Training recruitment policies.

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and DET policy, and will be directed to DET online training Protecting Children – Mandatory Reporting and Other Obligations – e-learning module. All staff will complete the e-learning training upon employment at Tyers Primary School and undertake a refresher course bi-annually. Completion of the e-learning training will be recorded in the relevant staff register (refer Staff Registers Policy).

Reporting child protection concerns

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

Reporting criminal child sexual abuse - failure to disclose offence

Any 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 police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to all adults in Victoria, not just professionals who work with children. To read more information about the ‘failure to disclose’ offence, see: Department of Justice and Regulation – Failure to disclose offence

Duty of care

Tyers Primary School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above),
- notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.
Protecting children from the risk of sexual abuse - failure to protect offence

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority within an organisation, including Principals, senior school staff, regional directors and other senior managers.

To read more information about the 'failure to protect offence', see: Department of Justice and Regulations – Failure to protect offence. Note: Department policies already require school staff to uphold a high standard of care in relation to child safety and wellbeing.

For more information about managing and responding to the risk of abuse see: Duty of care, Responding to Student Sexual Assault and Risk Management under Department resources below.

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. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused,
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves),
- someone who knows a child states that the child has been physically or sexually abused,
- 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
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Types of child abuse include:

- physical abuse,
- sexual abuse,
- emotional abuse,
- neglect,
- medical neglect,
- family violence,
- human trafficking (including forced marriage), and
- sexual exploitation (including pornography and prostitution).

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour,
- female genital mutilation has occurred, or there is a risk of it occurring,
- there is a risk to an unborn child,
- a child or young person is exhibiting sexually-abusive behaviours, and
- there are indications that a child is being groomed. For information see: Department of Justice and Regulation – Grooming offence.
There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

**Note:** For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: Appendix 2 in *Protecting the safety and wellbeing of children and young people under Department resources* below.

**When to Report**

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

<table>
<thead>
<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
</tr>
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</table>
| **Mandatory Reporting - DHHS Child Protection** | Mandatory reporters: Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006* (Vic)  
Principal of government and non-government schools  
Registered medical practitioners  
Nurses  
All members of the police force | DHHS Child Protection |
| **Child in need of protection**          | Any person                                      | DHHS Child Protection  
Victoria Police |
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

**Child displaying sexually abusive behaviours and in need of therapeutic treatment**

Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

- Any person
  - DHHS Child Protection

**Significant concerns about wellbeing of a child**

Any person may make a report if they have significant concerns for the wellbeing of a child.

- Any person
  - DHHS Child Protection
  - Child FIRST

**Reasonable belief that a sexual offence has been committed by an adult against a child under 16.**

- Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:
  - The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
  - The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
  - The victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information,
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.
**Making a report**

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station. Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free).</td>
</tr>
</tbody>
</table>
| 2    | Keep comprehensive notes that are dated and include the following information:  
  - information that has led to concerns about the child’s safety (e.g. physical injuries, student behaviour),  
  - the source of this information (e.g. observation of behaviour, report from child or another person),  
  - the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.). |
| 3    | Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made. |
| 4    | Gather the relevant information necessary to make the report. This should include the following information:  
  - full name, date of birth, and residential address of the child or young person,  
  - the details of the concerns and the reasons for those concerns,  
  - the individual staff member’s involvement with the child and young person,  
  - details of any other agencies who may be involved with the child or young person, if known. |
| 5    | Make a report to the relevant agency  
To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or [click here](#).  
To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free).  
To report concerns to DHHS Child Protection, contact your local child protection office. |
| 6    | Make a written record of the report which includes the following information:  
  - the date and time of the report and a summary of what was reported,  
  - the name and position of the person who made the report and the person who received the report. |
| 7    | Notify relevant school staff and/or Department of Education and Training (DET) staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:  
  - principal or member of the school leadership team,  
  - Department’s Security Services Unit on (03) 9589 6266, |
- relevant Regional Office,
- Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.

In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.

### Potential consequences of making a report

This table describes the potential consequences of making a report.

<table>
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<tr>
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</table>
| **Confidentiality**  | The identity of a reporter must remain confidential unless:  
  - the reporter chooses to inform the child, young person or parent of the report.  
  - the reporter consents in writing to their identity being disclosed.  
  - a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.  
  - a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence. |
| **Professional Protection** | If a report is made in good faith:  
  - it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.  
  - the reporter cannot be held legally liable in respect of the report. |
| **Interviews** | DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent.  
Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.  
DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.  
When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.  
When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.  
For more information on these requests and school responsibilities, see: Police and DHHS Interviews |
| **Support for the child or young person** | The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:  
  - acting as a support person for the child or young person  
  - attending DHHS Child Protection case planning meetings |
- observing and monitoring the child’s behaviour
- liaising with professionals.

### Requests for Information

DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. For more information, see: [Requests for Information About Students](#)

### Witness Summons

If DHHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: [Subpoenas and Witness Summonses](#)

### Counseling assistance for former students

In certain circumstances, the Department of Education and Training offers Counselling Assistance Payments to former students who report having been sexually abused while attending, or in connection with, a Victorian government school.

Schools that receive a report of sexual abuse from a former student should contact the Department’s Student Critical Incident Advisory Unit on (03) 9637 2934.

### Definitions

**ETR Act** means the *Education and Training Reform Act 2006* as amended from time to time.

**child** means a child enrolled as a student at the school.

**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.

**child abuse** includes—
(a) any act committed against a child involving—
   (i) a sexual offence; or
   (ii) an offence under section 49B(2) of the *Crimes Act 1958* (grooming); and
(b) the infliction, on a child, of—
   (i) physical violence; or
   (ii) serious emotional or psychological harm; and
(c) serious neglect of a child.

**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.

**minister of religion** has the same meaning as in the *Working with Children Act 2005*.

**proprietor**, in relation to a school, means the person who is ultimately responsible for the way the school is managed and conducted:
(a) in the case of a Government school, the Secretary;
(b) in the case of a non-Government school, the proprietor of the school.
**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); and
   (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 governing authority** means:
   (a) the proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
   (b) the governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or
   (c) the principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

**school staff** means:
   (a) in a Government school, an individual working in a school environment who is:
      (i) employed under Part 2.4 of the ETR Act in the government teaching service; or
      (ii) employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
      (iii) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).
   (b) in a non-Government school, an individual working in a school environment who is:
      (i) directly engaged or employed by a school governing authority;
      (ii) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
      (iii) a minister of religion.

**Related School Policies & Documents**

This policy should be read and understood (but not limited to) in conjunction with the following school policies and documents:

- Bullying & Harassment Policy
- ICT & Internet Acceptable Use Policy
- Mandatory Reporting Policy
- Student Engagement & Inclusion Policy
- Supervision and Duty of Care Policy
- Volunteer Checks (WWCC) Policy
- Working With Children Check Policy
- Child safety, Code of Conduct
- Statement of Commitment to Child Safety

**Links and references**

This policy should be read in conjunction with:

- *Child Safe Standards – Managing the Risk of Child Abuse in Schools*  
  Ministerial Order No. 870

**School Policy and Advisory Guide:**

- Duty of care
- Child Protection Reporting Obligations
Responding to Student Sexual Assault
Risk Management
Protecting the safety and wellbeing of children and young people

External Resources

Department resources:
- DET Child Wellbeing and Safety Framework
- A step-by-step guide to making a report to Child Protection or Child FIRST (PDF - 270Kb)
- Protecting the safety and wellbeing of children and young people
- Protecting Children - Mandatory Reporting and Other Obligations - elearning module log-in

Other resources:
- Daniel Morcombe Child Safety Curriculum:
  - Government schools, see: FUSE (Edumail password is required before searching Daniel Morcombe Child Safety Curriculum)
  - Parents, see: Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment
- Department of Health and Human Services:
  - Child Protection
  - Child FIRST
- Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)
- Victorian Registration and Qualification Authority (2016) Information Sheet. CHILD SAFE STANDARD 2: A child safety policy or a statement of commitment to child safety

Related Legislation
- Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015
- Children, Youth and Families Act 2005
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001

Review

The Tyers Primary School School Council and staff will regularly monitor and review the effectiveness of the Child Safety Policy and revise the statement tri-annually or as required by completing a review. Child Safety Policy updates and requirements will be made available to staff, families and visitors. This policy was ratified by School Council at the School Council Meeting held 02/08/2016.