

SECTION	CHILD PROTECTION
POLICY NO	PROT01
POLICY NAME	CHILD PROTECTION AND SAFETY
ADOPTED	NOVEMBER 2015
LAST AMENDED	MAY 2020



## 1.0 INTRODUCTION

'...the promotion of the human person is the goal of the Catholic school.'

### *The Catholic School on the Threshold of the Third Millennium, par. 9*

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Catholic schools in the Diocese of Sale are committed to complying with Ministerial Order 870 and following the Victorian Child Safe Standards. An embedded culturally driven approach to child protection and safety in all schools means that protecting children from abuse is evident in the everyday thinking and practice of leaders, staff and volunteers.

Catholic schools are entrusted, in partnership with parents/guardians/caregivers who are the primary educators of their children, with the total education of the child. Catholic school staff therefore have a duty of care to students during school operating hours and at other times when a staff/student relationship exists. Staff fulfil this duty by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student.

Under the *National Framework for Protecting Australia's Children 2009–2020*, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, involving the Department of Health and Human Services (DHS) Child Protection, the Department of Education and Training (DET), licensed children's services and Victorian schools, including Catholic schools, exists to protect the safety and wellbeing of children and young people.

For the purposes of this joint protocol, acting in the best interests of the child includes:

- reporting to Child Protection all allegations or disclosures of physical abuse, sexual abuse, emotional abuse and neglect
- reporting to Child Protection when a belief is formed that a child has been harmed or is at risk of being harmed
- making the child's ongoing safety and wellbeing the primary focus of decision-making
- sharing appropriate information, expertise and resources with other service providers supporting the child
- protecting and promoting the cultural and spiritual identity of a child and maintaining their connection to their family or community of origin
- enabling the child and the child's family to access appropriate services in order to reduce the long-term effects of abuse or neglect.

## 2.0 PURPOSE

Marist-Sion College is committed to child protection strategies and procedures to ensure the care, safety and protection of all children in the College.

This document is to provide guidance on developing policies and procedures to maximise the safety and protection of students in the College.

This document sets out the procedures to be followed to ensure that prompt, professional, sensitive and appropriate action is taken by staff in the College.

## 3.0 PRINCIPLES

In the best interests of the child, the child protection strategies and procedures to be followed are based on the following principles:

- 3.1 Every child and young person has a right to be safe.
- 3.2 Take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and/or Torres Strait Islander children from culturally and/or linguistically diverse backgrounds.
- 3.3 The school environment is expected to be safe, supportive, inclusive and empowering.
- 3.4 The school community is dedicated to the protection and safety of all children and young people as reflected in **CECV Commitment to Child Safety**.
- 3.5 All staff members have a responsibility to care for children and to promote their safety, protection and wellbeing.
- 3.6 All children have the right to a thorough and systematic education in all aspects of personal safety in partnership with their parents/guardians/caregivers.
- 3.7 In any dealings regarding safety, the dignity, protection and wellbeing of students involved shall be maintained and respected.
- 3.8 The Principal will ensure that all staff adhere to legislation and policies with respect to child protection.
- 3.9 The Principal will ensure that children and young people are helped to understand their rights and their responsibilities in regard to child safety, including avenues for reporting abuse against anyone – an adult or another child.
- 3.10 Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed either legally or pastorally.
- 3.11 Marist-Sion College will provide developmentally, linguistic and culturally appropriate support to all students. School staff need to be sensitive to a child's individual circumstances when providing support and working with families impacted by abuse. Marist-Sion College will take account of the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse (CALD) backgrounds, children with disabilities, students with refugee backgrounds, international students, and children who are vulnerable.

## 4.0 DEFINITIONS

- 4.1 **Bullying:** Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying may involve cyberbullying, which refers to bullying through information and communication technologies. Conflict or fights between equals and single incidents are not defined as bullying. (Safe Schools Hub, 2015)
- 4.2 **Child Abuse:** Any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse). Child abuse is commonly divided into five main subtypes: physical abuse; emotional maltreatment; neglect; sexual abuse; and the witnessing of family violence. (Safe Schools Hub, 2015)
- 4.3 **Child Neglect:** The failure by a parent 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. This can be:
- physical neglect, i.e. lack of safety, cleanliness, adequate clothing, housing, food and health care;
  - emotional neglect, i.e. a lack of caregiver warmth, nurturance, encouragement and support;
  - educational neglect, i.e. failure to provide appropriate educational opportunities for the child; and
  - environmental neglect, i.e. failure to ensure environmental safety, opportunities and resources. (Safe Schools Hub, 2015)
- 4.4 **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 or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. (Safe Schools Hub, 2015)
- 4.5 **Child Protection:** Statutory services designed to protect children who are at risk of serious harm. (Safe Schools Hub, 2015)
- 4.6 **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 is always sexual abuse 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, 2015)

4.7 **The Reportable Conduct Scheme:** Is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, corporate staff member or school council employee), contractors, volunteers, or allied health staff members.

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child; OR
- behaviour causing significant emotional or psychological harm to a child; OR
- significant neglect of a child; OR
- misconduct involving any of the above.

The scope of 'reportable conduct' is wide, and includes:

- information about something that is alleged to have occurred outside the course of the person's employment or engagement with the school
- sexual offences, sexual misconduct or physical violence committed in the presence of a child (which may include family violence committed by a school staff member in front of their own child).

However, student-to-student abuse is not covered by the Scheme.

4.8 **Mandatory Reporting:** Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.

Within schools, classes of professionals who are mandatory reporters include:

- Victorian Institute of Teaching (VIT) registered teachers, including principal class
- Staff who have been granted permission to teach by the VIT
- Medical practitioners
- Nurses
- Early childhood workers
- Social workers
- Youth workers
- Registered psychologists
- School counsellors (from 31 January 2020).

4.9 **Grooming:** Is when a person engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. For more information, please refer to Marist-Sion College Policy PROT03 - Preventing grooming of children for sexual relations with adults.

Examples of grooming behaviour may include:

- giving gifts or special attention to a child or young person, or their parent or carer, making the child or young person feel special and/or indebted to an adult
- making close physical contact sexual, such as inappropriate tickling and wrestling/play fighting
- openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault)
- controlling a child or young person through threats, force or use of authority making the child or young person fearful to report unwanted behaviour.

4.10 **Family and domestic violence:** Is any violent, threatening, coercive or controlling behaviour that occurs in current or past family, domestic or intimate relationships. This includes not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, damage to property, social isolation and any behaviour which causes a person to live in fear.

The term "family violence" encompasses violence that might occur between family members, such as violence between siblings or across generations, in addition to violence between partners. Use of the term family violence also reflects indigenous communities' preference for the term because it more accurately reflects extended kinship ties and how the impact of violence affects all members of a family.

While child abuse and family violence are generally considered separately, it is important to acknowledge the inter-relationship between family violence and child abuse. These forms of violence often coexist, with violence being directed towards both women and children. It is also a form of psychological child abuse, if a child hears or witnesses violence directed towards their mother or a sibling, even if that child is not a primary victim.

## 5.0 PROCEDURES

- 5.1 All Catholic schools in the Diocese of Sale will use the **Child Safe Standards** to establish and embed a **Child Protection Program** which sets out in detail the internal policies, procedures and workplace systems it has adopted.
- 5.2 All College staff who identify concerns regarding the sexual, physical, psychological and emotional abuse or neglect of a child must respond according to relevant policies and processes, including: PROT02 Mandatory Reporting Policy, PROT03 Preventing Grooming of Children for Sexual Relations with Adults Policy, PROT04 Removing Risk of Sexual Abuse (Failure to Protect) Policy, Reporting Sexual Abuse to Policy Policy (Failure to Report), Reportable Conduct processes, and the relevant legislation.
- 5.3 Allegations in relation to the principal should be reported to the Catholic Education Office Sale by telephone on (03) 5614 5126 or email [employment@ceosale.catholic.edu.au](mailto:employment@ceosale.catholic.edu.au).
- 5.4 Allegations directed against any clergy or members of religious institutes should be reported to police and the Bishop of the Diocese, via the Director of Catholic Education (as a member of the Professional Standards Committee). The reporting person(s) must also fulfil other relevant requirements, i.e. mandatory reporting.

- 5.5 The Principal shall ensure that staff receive induction and ongoing professional learning in relation to the child safety and protection policies and procedures, inclusive of mandatory reporting, on an annual and ongoing basis.
- 5.6 The Principal shall ensure the school's pastoral care structures reflect all child safety and protection policies and procedures.
- 5.7 The Principal will arrange for support and encouragement for students to use their voice to raise and share their concerns about abuse from an adult or another child, with a trusted adult at any time of need.
- 5.8 The Principal will ensure that suitable student-friendly information will be made readily available to students to remind them of key information about child safety, including their right to be safe and various avenues for reporting concerns about safety, whether due to an adult or another child.
- 5.9 All College staff and volunteers are required to follow the school's **Code of Conduct**.
- 5.10 The College staff must follow the procedures set out in the **Identifying and Responding to Student Sexual Offending** if they suspect or witness a student sexual offending.

## 6.0 EXPECTED OUTCOMES

- 6.1 School community members will work respectfully and collaboratively with families and communities.
- 6.2 College employees are informed of child safety and protection and are expected to be self-aware and adhere to their professional obligations and responsibilities.
- 6.3 All allegations will receive a prompt response and be clearly documented.

## 7.0 REFERENCES

**PROTECT** Identifying and Responding to All Forms of Abuse in Victorian Schools, A Joint Protocol of the Department of Education and Training, the Catholic Education Commission of Victoria and Independent School Victoria.

**Identifying and Responding to Student Sexual Offending** - A Joint Protocol of the Department of Education and Training, the Catholic Education Commission of Victoria and Independent School Victoria.

**Ministerial Order No. 870 – Child Safe Standards – Managing the risk of child abuse in schools.**

Commission for Children and Young People (2015), *A Guide for Creating a Child Safe Organisation*.  
<http://www.cryp.vic.gov.au>

Safe Schools Hub (2015), National Safe Schools Framework, Glossary, online,  
<http://safeschoolshub.edu.au/resources-and-help/Glossary>. Retrieved July 2015.

## 8.0 RELATED POLICIES

- PAC01 Pastoral Care – Pastoral Care Policy
- PROT02 Child Protection – Mandatory Reporting Policy
- PROT03 Child Protection – Prevention of Grooming Policy
- PROT04 Child Protection – Removing Risk of Sexual Abuse Policy
- PROT05 Child Protection – Reporting Sexual Abuse Policy
- DOSCEL Guide to Reporting Conduct in Catholic Schools under the Reportable Conduct Scheme

## 9.0 USEFUL CONTACT NUMBERS

Organisation / Department	Contact
DOSCEL Industrial Relations / Human Resources Unit	(03) 5614 5126
Diocese of Sale Professional Standards Officer	(03) 5614 5140
Victoria Police	Emergency 000 Your local police station
Department of Health and Human Services – Child Protection	North Division 1300 664 9777 South Division 1300 655 795 East Division 1300 360 391 West Division (Rural) 1800 075 599 West Division (Metro) 1300 664 9777 After hours, weekends, public holidays 13 12 78
Commission for Children and Young People (CCYP)	General enquiries 1300 782 978 Child Safe Standards and Reportable Conduct Scheme (03) 8601 5281
Victorian Institute of Teaching (VIT) – Principal Hotline	1300 650 375
Victoria Police, Sexual Offences and Child Abuse Investigation Team (SOCIT) Dandenong	(03) 8769 2200
SOCIT Morwell	(03) 5120 0300
SOCIT Bairnsdale	(03) 5150 2600
Victorian Aboriginal Education Association	(03) 9481 0800
Victorian Aboriginal Child Care Agency (VACCA)	(03) 9287 8800
Victorian Aboriginal Community Controlled Health Organisation (VACCHO) (	(03) 9411 9411
Office of the eSafety Commissioner	1800 880 176