



# Avila College

## CHILD SAFETY POLICY

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| <b>Policy Title</b>      | Child Safety Policy                                |
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| <b>Author</b>            | Deputy Principal Students<br>Principal             |
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***"I have come that you may have life and have it to the full." (Jn. 10:10)***

## **1. Introduction**

The life and teachings of Jesus in the Gospel inspire Avila College's dedication to the care, safety and wellbeing of all children and young people.

Jesus' promise "I have come that you may have life and have it to the full" (John 10:10), underpins Avila College's fundamental responsibility for our students and the enactment of our vision, along with practical commitments that promote the love, justice and sanctity of each person.

Avila College is committed to:

- being a child-safe environment which has zero tolerance for child abuse;
- actively engaging; listening to and empowering all our students;
- open communication with our families and supporting them to promote the wellbeing and safety of their children;
- establishing child-safe relationships within our community;
- developing an organisational culture marked by collaborative, vigilant and proactive approaches across policies, procedures, curriculum and practices;
- supporting and developing all our employees in their roles to educate, care for and protect our students.

## **2. Purpose of the Policy**

The purpose of this policy is to demonstrate the strong commitment of Avila College to the care, safety and wellbeing of all students at our school. It provides a framework of the policies, procedures and strategies developed to promote child protection, the creation of a child safe culture and to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870. This policy applies to school employees, including teaching and non-teaching employees, volunteers, clergy, contractors and College Board members.

## **3. Principles**

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and they are safe and feel safe (CECV Commitment Statement to Child Safety).

The following principles underpin our commitment to child safety at Avila College:

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect
- The welfare of our students is our key priority
- Avila College works in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection. (e.g Parents and Friends Association and the College Board)
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers
- All adults at Avila College, including teaching and non-teaching employees, parents, volunteers, clergy, contractors and College Board members, have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.

- The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults, children and young people.
- Policies and practices demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect and their privacy must be respected.
- Employees, volunteers, clergy, contractors, College Board members, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- 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.

#### 4. Relevant Legislation

- Children, Youth and Families Act 2005 (Vic.)
- Working with Children Act 2005 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Crimes Act 1958 (Vic.) – Three new criminal offences have been introduced under this Act:
  - **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
  - **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
  - **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

#### 5. Definitions used in this Policy

**Child:** A child or a young person enrolled as a student at the school and who is aged under 18 .

**Child abuse** includes:

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

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

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

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

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

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

Child sexual abuse can also be:

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

#### **Direct Contact Contractors, Volunteers and Clergy**

Direct Contact Contractors or Volunteers or Clergy are those people who have direct contact with students. Examples include assisting with school activities, excursions and camps.

#### **Indirect Contact Contractors, Volunteers and Clergy**

Indirect Contact Contractors, Volunteers or Clergy are those people who are involving in providing assistance but who are not responsible for supervising students eg assisting with school activities, social events, caterers, equipment providers.

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect for a young person aged under 17 is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. (Safe Schools Hub).

**Reasonable Belief:** When employees are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

**Reasonable Grounds to notify** may include:

- A student tells a teacher, counsellor, employee member that they have been physically or sexually abused
- Another person such as a friend or sibling of the student advises that the student has been abused
- Other observations made by employee or teachers
- Physical signs of abuse (bruising cuts etc).

**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 campus of the school
- online school environments (including email and intranet systems)
- 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). (Ministerial Order No. 870)

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

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

## 6. Policy Commitments

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

**For our students, we commit to:**

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

**For our parents and carers, we commit to:**

- communicating honestly and openly with parents and carers about the wellbeing and safety of their children
- engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures
- transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people
- acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues
- continuously reviewing and improving our systems to protect children from abuse
- communicating our Parent Code of Belonging
- working with our parents to enable the fulfilment of the Code of Belonging.

**For our school employees, direct contact volunteers, clergy, direct contact contractors and College Board members, we commit to:**

- providing all Avila College employees, direct contact contractors, direct contact volunteers, clergy and College Board members with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities in regards to Child Safe standards including mandatory child protection training for all employees
- providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and employees, direct contact contractors, direct contact volunteers, clergy and College Board members responsibilities to report concerns.
- listening to all concerns voiced by Avila College employees, direct contact contractors, direct contact volunteers, clergy and College Board members about keeping children and young people safe from harm.
- providing opportunities for Avila College employees, direct contact volunteers, direct contact contractors, clergy and College Board members to receive formal debriefing and counselling arising from their support of a child or young person who has experienced abuse.

**7. Responsibilities and Organisational Arrangements - Child Protection Program**

Everyone employed or volunteering at Avila College has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make. (CECV Commitment Statement to Child Safety)

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

**7.1 Guide to Responsibilities of School Leadership**

The Principal, the school governing authority and school leaders at Avila College recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety.

Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all employees, parents, College Board members, volunteers, clergy and contractors

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

## **7.2 Guide to Responsibilities of School Employees**

Responsibilities of all school employees, direct contact volunteers, clergy, direct contact contractors and College Board members include:

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

## **7.3 Child Safe Team**

The Principal is responsible for ensuring that a strong culture of child safety is maintained at Avila College by the delivery of appropriate child safety information within the school curriculum, the sharing of child safety information and learning and compliance with child safety policies and procedures.

The Deputy Principal Students will oversee the operationalising of the Child Safe Policies and procedures in consultation with the Pastoral Care Team (Director of Faith and Mission, Directors of Pastoral Care, Year Level Coordinators, Pathways Co-ordinator, Learning Enrichment and Enhancement Co-ordinator and Counsellors).

Members of the Child Safe Team are the first point of contact for raising child protection concerns within the college. They are responsible for assisting in coordinating responses to child protection incidents and to support employees if they raise concerns. Initial concerns may be raised verbally however all concerns are required to be documented and lodged with the Deputy Principal Students using the Protect – Responding to Suspected Child Abuse form (Appendix 3)

Child Safe Standards will appear as an item on all College Board, Executive, Leadership and Pastoral Care meeting agendas to act as a reminder that ongoing

dialogue and training is important to develop and maintain a child safety culture in order to provide a high level of care to our students.

## 8. **Expectation of Avila College Employees – Child Safety Code of Conduct**

At Avila College, we expect school employees, direct contact volunteers, clergy, direct contact contractors and College Board members to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school employees must remain familiar with the relevant laws, the Code of Conduct, and policies and procedures in relation to child protection and to comply with all requirements. We have developed a Child Safety Code of Conduct (Appendix 1) which recognises the critical role that school employees play in protecting the students in our care and establishes clear expectations of school employees, direct contact volunteers, clergy, direct contact contractors and College Board members for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects school employees through clarification of acceptable and unacceptable behaviour.

## 9. **Student Safety and Participation**

At Avila College, we actively encourage all students to openly express their concerns and feel comfortable about giving voice to issues that are important to them.

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

At the core of student education is the College's Living and Values Program.

## 10. **Reporting and Responding to Child Protection Concerns**

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

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

Avila College's **Child Protection – Mandatory Reporting Policy** (Appendix 2) sets out the actions required under the relevant legislation when there is a reasonable belief that a child at Avila College is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists employees to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.
- establish internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.



## **11. Annual Employee Training**

All employees must annually complete the Mandatory Reporting Module in addition to completing the module prior to commencing employment. Employees access this training via:

**URL:** [www.elearn.com.au/det/protectingchildren/external](http://www.elearn.com.au/det/protectingchildren/external)

**Username:** education (in lower case)

**Password:** external (in lower case)

## **12. Screening and Recruitment of School Employees, Direct Contact Contractors, Direct Contact Volunteers and College Board Members**

Avila College will apply thorough and rigorous screening processes in the recruitment of employees, direct contact contractors, direct contact volunteers and College Board members involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employees, direct contact contractors, direct contact volunteers and College Board members positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy as part of the induction process.

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

- confirm the applicant's Working With Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job of working with children
- require a new employee to undertake the Mandatory Reporting Module BEFORE beginning their employment at the College

We have processes for monitoring and assessing the continuing suitability of school employees to work with children, including reference checks and periodic reviews of the status of Working with Children Checks, National Police Checks and employee professional registration requirements such as Victorian Institute of Teaching (VIT) registration which incorporates National Police Checks .

## **13. Child Safety – Education and Training for School Employees, Direct Contact Contractors, Direct Contact and College Board Members**

Avila College provides employees, direct contact contractors, direct contact volunteers and College Board members with regular and appropriate opportunities to develop their knowledge of, openness and ability to address child safety matters. These opportunities occur at induction and, ongoing training and professional learning is conducted as part of Avila College's professional learning program to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

Our induction program requires our employees and direct contact contractors to read the Child Safe Policy and Code of Conduct and to sign an acknowledgement of having read and understood these documents.

All employees are required to complete the DEED Mandatory Reporting Module annually in addition to completing the training prior to commencing employment at Avila College.

All employees, direct contact contractors, direct contact volunteers, College Board members and external education providers are provided with copies of our Child Safety Policy and Code of Conduct. All employees, direct contact contractors, direct contact volunteers and College Board members are required to read and review these documents as part of their induction/or prior to commencing employment/volunteering at the College.

Before commencement of employment a signed acknowledgement of having read, understood and agreement to comply with the Child Safe Policy and Code of Conduct is required to be

completed and returned to the College prior to commencement of employment/ commencement of the specific engagement/activity or volunteer activity as appropriate.

#### **14. Risk Management**

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

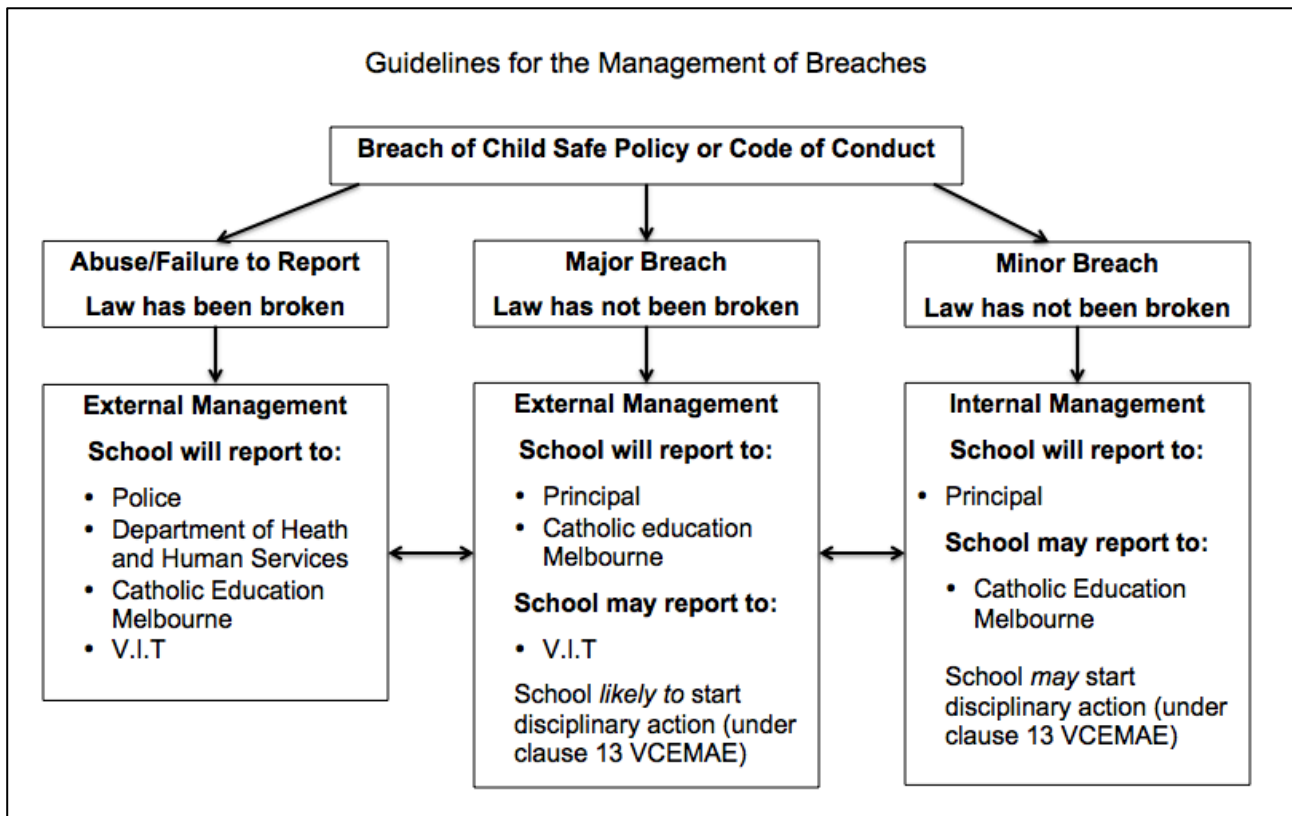
#### **15. Breach of Policy**

Where an **employee** *is suspected of breaching any obligation, duty or responsibility within this Policy, Avila College* may start the process under Clause 13 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA) for managing employment concerns. This may result in disciplinary consequences, however please note the following guidance:

Before formally reporting any observed or suspected breach, employees should have a conversation with the Deputy Principal Students or the Principal. If the possible breach is by their supervisor, then the Principal is to be advised.

The College will consider several factors when assessing what action needs to be taken and each situation will be reviewed on a case by case basis. Factors for consideration could include:

- The seriousness/impact of the breach
- The likelihood of the breach being committed again
- Whether the breach has occurred previously
- The risk the breach causes to employees, students or other people, and
- Whether the breach would be serious to require formal disciplinary action.



Where the **principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact their parish priest or the canonical administrator. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

**If another member of the school community** is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action in accordance with: Avila College Child Safety Procedure and/or contact Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

## 16. Policy Review

At Avila College we are committed to continuous improvement of our child safety systems and practices. This policy is to be a dynamic document that will be reviewed annually. This will ensure that Avila College's Child Safety Policy is aligned to relevant legislation and incorporates best practice. We will maintain a history of updates to the policy.

## 17. Related Policies

### Catholic Education Melbourne Policies

- Policy 2.2: Guidelines Relating to the Employment of Staff
- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols
- Policy 2.20: Misconduct Policy (withdrawn and currently under review)
- Policy 2.26: Pastoral Care of Students in Catholic Schools(currently under review)

### **School Policies**

- Mandatory Reporting
- Code of Conduct
- Code of Belonging
- Pastoral Care Policy
- Staff ICT Use Policy
- Social Media Policy
- Grievance and Complaints Policy (in progress)

### **18. References**

Catholic Education Commission of Victoria Ltd (CECV) 2016, [Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools.](#)

Catholic Education Commission of Victoria Ltd (CECV) 2013, [Victorian Catholic Education Multi Enterprise Agreement 2013](#), (VCEMEA 2013) CECV.

Congregation for Catholic Education 1997, [The Catholic School on the Threshold of the Third Millennium](#), Vatican.

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

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

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

Protect – [Identifying and Responding to All Forms of Abuse in Victorian Schools](#), Department of Education and Training 2016

## Appendices

**Appendix 1: The Code of Conduct**

**Appendix 2: The Mandatory Reporting Procedure and Protect – Responding to Suspected Child Abuse form**

### **VERSION HISTORY**

| <b>Version</b> | <b>Date Issued</b> | <b>(Minor, Major Change)</b> |
|----------------|--------------------|------------------------------|
| August 2016    | August 2016        |                              |
| July 2018      | 31 July 2018       | Minor                        |
|                |                    |                              |

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| Policy approved by the Principal and ratified by the College Board August 2016 |  |
| <b>Next Review Date</b>  | June 2019                              |
| <b>People Responsible</b>  | Deputy Principal Students<br>Principal |