

# Child Safe Environment Policy



Date Approved by Committee of Management:	23/06/2022
Date for Review:	23/06/2024

## PURPOSE

This policy demonstrates our school's commitment to creating and maintaining a child safe organisation, where children are safe and feel safe.

This policy provides an overview of our school's approach to implementing Ministerial Order No. 1359 - *Implementing the child safe standards - Managing the risk of child abuse in schools and school boarding premises*. It informs our school community of everyone's obligations to act safely and appropriately towards children and guides our processes and practices for the safety and wellbeing of children across all areas of our work.

## SCOPE

This policy applies to all school staff members, Committee of Management, volunteers, parents/carers, contractors, visitors, students and others attending Beechworth Montessori programs and activities, it applies to all school environments, including online environments, off-site excursions and camps.

## POLICY STATEMENT

Beechworth Montessori has a moral, ethical and legal responsibility to ensure that all children are safe in their care, and will provide training, resources, information and guidance to support this.

We have zero tolerance for child abuse and take proactive steps to identify and manage any risks of harm to students in our school environments and school related activities. We promote positive relationships between students and adults and between students and their peers. These relationships are based on trust and respect.

We take proactive steps to identify and manage any risk of harm to students in our school environment. When child safety concerns are raised or identified, we treat these seriously and respond promptly and thoroughly.

We strive to embed a culture of child safety into everyday thinking and practice as well as a continuous improvement approach to keeping children safe from child abuse.

We are committed to providing environments where our students are safe and feel safe, where their participation is valued, their views respected, and their voices are heard about decisions that affect their lives.

Our child safe policies, strategies and practices are inclusive of the needs of all children and families with particular attention to:

- The cultural safety of Aboriginal and Torres Strait Islander children.
- The cultural safety of children from culturally and/or linguistically diverse backgrounds including international students.

- Children with a disability.
- Children who are unable to live at home or are impacted by family violence.
- Children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+).
- Other students experiencing risk or vulnerability.

Inappropriate or harmful behaviour targeting students based on these or other characteristics, such as racism or homophobia, are not tolerated at our school, and any instances identified will be addressed with appropriate consequences.

Child safety is a shared responsibility. Every person involved in our school has an important role in promoting child safety and wellbeing and promptly raising any issues or concerns about a child's safety. Our child safety strategies will be communicated to the school community through:

- ensuring that key child safety policies are available on our website
- displaying PROTECT posters around the school
- updates in our school newsletter and Sentral parent portal
- ensuring that child safety is a regular agenda item at school leadership meetings, staff meetings and Committee of Management meetings.

We are committed to regularly reviewing our child safe practices, and seeking input from our students, families, staff, and volunteers to inform our ongoing strategies. This policy will be reviewed if legislative or other changes are required, after any significant child safety incident, or every 2 years.

## PROCEDURE

All school staff members have a moral, ethical and legal obligation and a duty of care to protect the health, safety and wellbeing of any child in our care by:

- Supporting the rights of all children to feel safe, valued, respected and empowered to participate in decisions affecting their lives.
- Encouraging active participation from parents/guardians and families, and ensuring that best practice is based on a partnership approach and shared responsibility for children's health, safety, wellbeing and development.
- Supporting school staff, parents and volunteers to identify, discuss and report suspected child abuse, neglect or mistreatment promptly to the appropriate authorities.
- Ensuring children know who to talk with if they are feeling worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues.
- Providing accessible information about our school's child safe policies and practices and involving them in our approach to child safety and wellbeing.

Beechworth Montessori aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We take all allegations seriously and work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
- behaviour consistent with that of an abuse victim is observed ;
- someone else has raised a suspicion of abuse but is unwilling to report it; or
- observing suspicious behaviour.

Beechworth Montessori has a nominated Child Safety Officer, who acts as a source of support, advice and expertise on matters of child safety, in liaison with the Principal. There is also a Child Safety Officer on the Committee of Management. The Principal manages the process for responding to an allegation or disclosure. In the absence of the Principal, this is the duty of the Child Safety Officer.

### 1. CHILD SAFE STANDARDS

Ministerial Order No.1359 sets out specific action that schools need to take to meet the child safe standards to create and maintain a child safe school. Beechworth Montessori complies with the following standards:

- **Standard 1** – Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- **Standard 2** - Ensure that child safety and wellbeing are embedded in school leadership, governance and culture.
- **Standard 3** - Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- **Standard 4** - Families and communities are informed and involved in promoting child safety and wellbeing
- **Standard 5** - Equity is upheld and diverse needs are respected in policy and practice.

Ministerial Order 1359 – *Implementing the child safe standards - Managing the risk of child abuse in schools and school boarding premises.*

VRQA – Student Welfare – **Mandatory (review every 2 years)**

QA 2 – Children's Health and Safety – **Mandatory National Law and Regulations Sections 162A, 166 Regulations 84, 168 (Standards 2.3,7.1)**

- **Standard 6** - People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- **Standard 7** - Ensure that processes for complaints and concerns are child focused.
- **Standard 8** - Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- **Standard 9** - Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Standard 10** - Implementation of the Child Safe Standards is regularly reviewed and improved.
- **Standard 11** - Policies and procedures that document how schools are safe for children, young people and students.

## 2. DUTY OF CARE OBLIGATIONS

To fulfil our Duty of Care obligations, all school staff members:

- Provide a safe environment where the risk of harm is minimised and students feel physically and emotionally secure.
- Take reasonable measures to protect students from risks of injury that should have been reasonably foreseen.
- Take greater measures, as needed, for younger students and students with disabilities
- Provide proper arrangements for on-site supervision of students, including the thorough screening of visitors, such as volunteers and external providers, to the school. A teacher must be present at all times and remain the person designated with duty of care responsibilities.
- Provide proper arrangements for off-site activities of students, including consideration of the risk of bushfire in the activity location.
- Ensure all staff understand mandatory reporting and the criminal offences, failure to disclose, failure to protect and grooming.
- Seek appropriate advice or consulting with other professionals or agencies when unsure of what steps to take.
- Recommend on-going support including referrals to counselling and/or other appropriate support for the child.

All people engaged in child-related work with Beechworth Montessori, including volunteers, are required to hold a current Working with Children Check and to provide evidence of this Check and agree to abide by our *Child Safe Code of Conduct*. On-going support, supervision and training is provided about child safety policies and processes.

## 3. CODE OF CONDUCT

The *Child Safe Code of Conduct* sets the boundaries and expectations for appropriate behaviours between adults and students. It also clarifies behaviours that are not acceptable in our physical and online environments.

We ensure that students also know what is acceptable and what is not acceptable so that they can be clear and confident about what to expect from adults in the school.

## 4. MANAGING RISK

At our school we identify, assess and manage risks to child safety and wellbeing in our physical and online school environments. These risks are managed through our *Child Safe Environment* policy, procedures and practices, and in our activity specific risk registers, such as those we develop for off-site overnight camps and excursions.

Our Child Safety Risk Register is used to record any identified risks related to child abuse alongside actions in place to manage those risks. Our school leadership team will monitor and evaluate the effectiveness of the actions in the Child Safety Risk Register at least annually.

## 5. MANDATORY REPORTING OBLIGATIONS

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities. A mandatory reporter must report to Child Protection as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

The report must be made to Child Protection as soon as practicable after forming the belief. Make a report each time you become aware of any further reasonable grounds for your belief in accordance with s184(1)(b) of the *Children, Youth and Families Act 2005 (Vic)*. A report must be made even if the School Principal does not share the same belief. The duty to report is an individual duty if the person is a mandatory reporter. It may be a criminal offence not to report in these circumstances.

Individuals who are required to report:

- Victorian Institute of Teaching (VIT) registered teachers, including principals and early childhood teachers
- school staff who have been granted permission to teach by the VIT
- all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service
- the approved provider or nominated supervisor of an education and
- registered doctors, nurses and all members of the police force
- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

It is a criminal offence not to report these circumstances.

- **Failure to disclose:** Failure to disclose sexual offence committed against a child under the age of 16 years is an offence under section 327 of the *Crimes Act 1958 (Vic)*. All adults (not just professionals who work with children) in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report this information to the police. You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example,
  - you fear for your safety, or the safety of another person, or
  - you believe the information has already been reported to the police

(see section 327(3) of the *Crimes Act 1958 (Vic)* which sets out a list of reasonable excuses).

You do not have a reasonable excuse for failing to disclose information if you are only concerned about the 'perceived interests' of:

- the person you believe committed, or was involved in, the sexual offence, or
- any organisation.

(see section 327(4) for what is *not* a reasonable excuse for failing to disclose the information to police).

You only need to report to police when you have seen or heard something that has led you to form a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- the child tells you they have been sexually abused
- the child tells you they know someone who has been sexually abuse (which may be a way of talking about themselves)
- someone who knows the child tells you the child has been sexually abused
- you observe signs of sexual abuse in the child
- you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.

You do not need to report rumours or unfounded suspicions.

- **Failure to protect:** Failure by a person in authority to protect a child from a sexual offence is an offence under section 490 of the *Crimes Act 1958 (Vic)*. People of authority in our school will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child will become the victim of a sexual offence
  - the nature of the relationship between a child and the adult who may pose a risk to the child
  - the background of the adult who may pose a risk to the child, including any past or alleged misconduct
  - any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
  - any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.
- **Grooming:** Grooming refers to predatory conduct undertaken to prepare a child for sexual activity at a later time. It may involve communication, in person or electronically, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct either with the groomer or another adult. There may be no sexual activity or even discussion of sexual activity.

All members of our school community must ensure fulfilling all legal obligations to:

- protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters).
- respond to any reasonable suspicion that a child has been or is at risk of being abused by following the *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse* to ensure fulfilling all legal obligations, used in conjunction with *Responding to Suspected Child Abuse Template for Victorian Schools*.

Beechworth Montessori staff complete the *Protecting Children - Mandatory Reporting* eLearning course annually to increase their capacity to respond effectively to children whose safety, health or wellbeing may be at risk. <https://elearn.childlink.com.au/login/index.php>

## 6. THE REPORTABLE CONDUCT SCHEME

The reportable conduct scheme seeks to improve how organisations identify and respond to allegations of child abuse and neglect by their workers and volunteers. These allegations are called reportable allegations. A reportable allegation means any information that leads a person to form a reasonable belief that a person has committed reportable conduct. *The Child Wellbeing and Safety Act 2005* sets out the five types of reportable conduct, which are:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that is likely to cause significant emotional or psychological harm
- significant neglect.

The Principal is responsible for notifying the Commission for Children and Young People about allegations of child abuse and child related misconduct made against their employees, volunteers or contractors. The Approved Provider, in regards to an allegation concerning Early Years could also notify the Commission. The Principal/Approved Provider will follow the document, *Guidance for Organisations, Investigating a Reportable Conduct Allegation*

<https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

## 7. PROCEDURE FOR MAKING A REPORT

The Four Critical Actions must be followed when responding to an incident, disclosure or suspicion of child abuse.

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

### 1. Responding to an emergency.

If there is not risk of immediate harm go to Action 2. If a child is at immediate risk of harm school staff must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with police.

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence.

### 2. Reporting to authorities.

As soon as immediate health and safety concerns are addressed school staff must report all incidents, suspicions and disclosures of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

If you have formed a belief that a child is at significant risk of harm/abuse:

- Refer to *A Step by Step Guide to Making a Report to Child Protection or Child FIRST*.

<https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf>

- Use the *Responding to Suspected Child Abuse: Template for Victorian Schools* to keep clear and comprehensive notes.

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf)



- Notify and discuss with Child Safety Officer and/or Principal, who will assist you to complete the *Responding to Suspected Child Abuse: Template for Victorian Schools*

### **3. Contacting parents/carers**

The principal must consult with Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (for example, in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety.

### **4. Providing ongoing support**

The school must provide support for children impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the school's duty of care requirements.

School staff must follow the Four Critical Actions every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

All documentation and case notes are filed in a locked filing cabinet in Principal's office and electronic copies are stored on the Principal drive.

## **8. PRIVACY AND INFORMATION SHARING**

Beechworth Montessori School collects, uses and discloses information about children and their families in accordance with Victorian privacy laws and other relevant laws. For information on how our school collects, uses and discloses information refer to our *Privacy and Confidentiality Policy*.

Staff members may be permitted to share with other staff members certain information about a child who has been impacted (or is suspected to have been impacted) by abuse in order to enable staff to best support and protect that child. The Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with staff, parents/carers.

## **9. CONTACT INFORMATION**

**Call 000 for urgent medical and or police assistance.**

**DHHS CHILD PROTECTION:** 1300 360 391

**CHILD PROTECTION AFTER HOURS (24 hours 7 days):** 131 278

**CHILD FIRST: 1300 775 160 or locally through The Orange Door (Indigo):** 1800 271 157

**LOCAL POLICE:** 03 5728 1032

**INDEPENDENT SCHOOLS VICTORIA:** 03 9825 7200

## **DEFINITIONS**

Definitions of terms used in relation to the Victorian Child Safe Standards and Ministerial Order 1359 can be found here:

<https://www.vic.gov.au/child-safe-standards-definitions>



**Child FIRST:** Child FIRST provides a central referral point to a range of community-based family services and other supports.

**DHHS Child Protection:** The Victorian Child Protection Service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them.

## RESOURCES

- A Step by Step Guide to Making a Report to Child Protection or Child FIRST.
- The Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse to ensure fulfilling all legal obligations. [Four Critical Actions](#)
- PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools
- PROTECT Responding to Suspected Child Abuse Template for Victorian Schools
- PROTECT Identifying and Responding to Student Sexual Offending
- PROTECT Responding to Student Sexual Offending Principal Checklist
- Betrayal of Trust Fact Sheet Failure to Disclose
- Betrayal of Trust Fact Sheet Failure to Protect
- Betrayal of Trust Fact Sheet Grooming Offence
- Guidance for Organisations Investigating a Reportable Conduct Allegation, Commission for Children and Young People, Version 1.0 June 2018

## LEGISLATIVE REFERENCES

- *Ministerial Order 1359*
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Crimes Act 1958 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Privacy and Data Protection Act 2014*
- *Working with Children Act 2005 (Vic)*
- *The United Nations Convention on the Rights of the Child*

## RELATED POLICIES

This policy should be read together with our other child safety policies and procedures:

- Child Safe Code of Conduct
- Child Safe Working with Children Checks
- Duty of Care
- Staff Recruitment
- Staff Induction
- Participation of Students on Placement and Volunteers
- Interactions with Children
- Risk Management
- Delivery and Collection of Children
- Safe Sleep and Rest Practices
- Excursions, Incursions and Camps (includes routine outings and going out)

Ministerial Order 1359 – *Implementing the child safe standards - Managing the risk of child abuse in schools and school boarding premises.*

VRQA – Student Welfare – **Mandatory (review every 2 years)**

QA 2 – Children’s Health and Safety – **Mandatory National Law and Regulations Sections 162A, 166 Regulations 84, 168 (Standards 2.3,7.1)**