



Yarraville Special Developmental School

No. 5278

CHILD SAFETY POLICY & CODE OF CONDUCT

This policy reflects the DET *the Child Protection Reporting Policy and Education and Training Reform Act, Child Safe Standards, Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870.*

Yarraville SDS Principal:

Ashwini Sharma

School Council President:

Kim Mace

Certification

School Council President

Signed *Kim Mace*

Date *27/2/18*

Principal

Signed *Ashwini Sharma*

Date *27/2/18*

This policy ratified at School Council meeting

27/2/18



Yarraville Special Developmental School
Excellence In Learning

CHILD SAFETY POLICY & CODE OF CONDUCT

PURPOSE

The purpose of this Policy is to provide clear guidelines to employees, contractors and other volunteers/visitors ('individuals') to the School regarding expectations when in direct contact with students and other children. "Direct contact" includes oral, written or electronic communication as well as face-to-face and physical contact.

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- Identify indicators that a child or young person may be in need of protection.
- Make a report about a child or young person who may be in need of protection
- Comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.

COMMITMENT

Yarraville Special Developmental School is committed to child safety and has a zero tolerance of child abuse.

The commitment at Yarraville Special Developmental School includes that:

- The culture will foster openness so that all persons, and particularly children, may feel safe to disclose concerns or risks of harm to children.
- Appropriate conduct and behaviour towards children will be expected at all times.
- The Wellbeing Coordinator/Assistant Principal is a source of support, advice and expertise to staff on matters of child safety.
- Policies will support the processes that assist YSDS to engage the most appropriate personnel to work with children.
- Regular staff training will occur to ensure there is a full awareness and understanding of policies and processes.
- Child safety policies and procedures will support ongoing assessment and identification and minimisation of the risk of child abuse in the School environment.
- Suspected or actual abuse of children will be reported promptly to the appropriate authorities.
- Support and assistance will be provided to children who have suffered abuse and to their families.
- If you believe a child is at immediate risk of abuse phone 000.

STUDENTS

Yarraville Special Developmental School promotes diversity and tolerance in our school, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally.

STAFF AND VOLUNTEERS

A Working With Children (WWC) Check is required for anyone engaged in “child-related-work” regardless of whether they are being supervised by a teacher or another adult with a WWC Check. Parents or relatives do not require a WWC check if they are part of an activity that their child is participating in. WWC checks are free for volunteers.

This policy guides staff and volunteers on how to behave with children in our school.

All staff and volunteers must agree to abide by YSDS code of conduct which specifies the standards of conduct required when working with children.

RECRUITMENT

YSDS will implement recruitment processes that will assist in the effective selection of suitable personnel, including staff, volunteers and contractors.

These processes will ensure:

- new and existing staff, volunteers and contractors understand the importance of child safety and are aware of YSDS's policies and procedures
- each job or category of job for School staff that involves child-connected work has a clear statement, which includes the job's requirements, duties and responsibilities regarding child safety and the essential or relevant qualifications, experience and attributes in relation to child safety
- induction of new staff, volunteers and contractors into the School's policies, codes, practices and procedures governing child safety and child-connected work
- a staff member's continuing suitability for child-connected work is monitored and assessed.

FAIR PROCEDURES FOR PERSONNEL

The safety and wellbeing of children is YSDS primary concern. We are also fair and just to personnel. The decisions made when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using an incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to families on progress and any actions taken.

PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. Safeguards and practices are in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

PROTECTION OF CHILDREN AGAINST SEXUAL ABUSE: SPECIFIC OFFENCES

Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. The Failure to Disclose offence imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

Definition

Under section 327 of the Crimes Act, any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. 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.

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 sexually abused;
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been sexually abused;
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused or is likely to be abused; and
- signs of abuse lead to a belief that the child has been sexually abused.

Procedure

Any adult aged 18 or over 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 Victoria Police by dialling 000 (or otherwise to a Member of the police force of Victoria).

An adult will not be guilty of an offence if they do not report 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 Department of Health and Human Services (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.

Where a student acts in breach of the behaviour standards of our school community, we will institute a staged response, as outlined in the YSDS Student Engagement and Inclusion Policy (see **Appendix 4**).

PROCEDURES FOR RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE

YSDS will support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse, by:

- ensuring they have access to School support personnel, such as the Welfare Coordinator, Social Worker and Psychologists through the Student Support Services
- ensuring their situation is treated confidentially and with sensitivity
- ensuring they have all the necessary staff support around them and are given due consideration for and necessary adjustments in the curriculum and co-curriculum programs
- providing such other support or assistance as may be reasonable.

FORMING A BELIEF ON REASONABLE GROUNDS

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk.

Reporting a belief

- Mandated staff members (*Teachers and Principals*) must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection.
- Staff members, **whether or not mandated**, need to report to the principal or assistant principal their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.
- If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report.

Please refer to the *Step by Step Guide to Making a Report (Resources)* for procedures in response to allegations of child abuse.

These procedures do not:

- prohibit or discourage school staff from reporting an allegation of child abuse to a person external to the school;
- state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation;
- require staff to make a judgment about the truth of the allegation of child abuse; or
- prohibit staff from making records in relation to an allegation or disclosure of child abuse.

RISK MANAGEMENT

YSDS will implement appropriate policies and practices for the early identification and response to risks of abuse in its physical and online environment. Such policies and practices will:

- promote understanding by all YSDS personnel of its expectations in relation to behaviour and conduct when interacting with children and the consequences of failing to abide by those expectations
- provide for ongoing training, education and support for all YSDS personnel in relation to understanding child abuse, identifying risks and areas for improvement, the School's policies and practices for reporting concerns of child abuse and how to respond
- monitor its risk management strategy and practices and evaluate the effectiveness of the implementation of its risk controls.

At least annually, the school must ensure that appropriate guidance and training is provided to the individual members of the school staff about:

- individual and collective obligations and responsibilities for managing the risk of child abuse;
- child abuse risks in the school environment; and
- the school's current child safety standards.

Risk management strategies have been developed within the following school policies and protocols:

- *Student Engagement Policy 2016*
- *Behaviour Protocols*

RESOURCES

Department of Justice: Betrayal of Trust Factsheet: The new 'failure to disclose' offence.

Department of Justice: Betrayal of Trust Factsheet: The new 'grooming' offence.

Department of Justice: Betrayal of Trust Factsheet: The new 'failure to protect' offence.

VRQA Newsletter 'New obligations to help protect children: Betrayal of Trust implementation' (Edition 41).

Step by Step Guide to Making a Report

Protecting the Safety and Wellbeing of Children and young People

EVALUATION: This policy will be reviewed every 3 years or more often if necessary due to changes in regulations or circumstances.



CODE OF CONDUCT

Yarraville Special Developmental 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.

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.

The Principal and school leaders of Yarraville Special Developmental School will support implementation and monitoring of the Code of Conduct, and will plan, implement and monitor arrangements to provide an inclusive and safe school. The Principal and school leaders of Yarraville Special Developmental 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

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

- adhering to Yarraville Special Developmental School child safe policy at all times
- taking all reasonable steps to protect children from abuse
- 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 children
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- report concerns about child safety to a Child Protection Officer, (principal, assistant principal or welfare officer) and ensure that your legal obligations to report allegations externally are met
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse.

- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

UNACCEPTABLE BEHAVIOURS

We, as staff, volunteers, contractors, and any other member of the school community involved in child-related work 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
- discriminate against any child 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 purposes¹
- in the school environment or at other school events where students are present, consume alcohol contrary to school policy² or take illicit drugs under any circumstances.
- put children at risk of abuse
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- have contact with a child or their family outside of our school without our child welfare officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate

By observing these standards we acknowledge our responsibility to immediately report any breach of this code to leadership.

¹ SPAG: <http://www.education.vic.gov.au/school/principals/spag/safety/pages/photoandfilm.aspx> . The policy says the school should get consent before taking and publishing photos of a student. This applies every time a photo is taken. The same policy applies for excursions and school activities.

² SPAG: <http://www.education.vic.gov.au/school/principals/spag/safety/pages/alcohol.aspx>. The policy says the school must obtain school council approval before alcohol can be consumed on school grounds or at a school activity. The policy says staff members should not consume alcohol during camps and excursions.

If you believe a child is at immediate risk of abuse phone 000.

I agree to adhere to this Code of Conduct:

Name:

Please circle:

Staff School Council CRT Volunteer Visitor Contractor Work Person

Student Placement Other:.....

Signature:

Date: