



CHILD SAFE STANDARD 6: STRATEGIES TO IDENTIFY, REDUCE AND REMOVE RISKS OF CHILD ABUSE

PURPOSE

All registered schools are responsible for keeping children safe. Child Safe Standards set out the commitment and inclusive approaches that will create and maintain a child safe school where children and young people are safe and feel safe. This policy provides the framework for the school's approach to Ministerial Order 870 and the Child Safe Standards.

The purpose of Broadmeadows Valley Primary School's (BVPS) Child Safe Standard 6 policy, is to identify, reduce and remove risks of child abuse. This will include the cultural safety for Aboriginal children; children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

Broadmeadows Valley Primary School ensures that the children in its care are protected to the best of its ability and in line with their duty of care and the compulsory Child Safe standards. This policy covers both 'business as usual' risks at school and risks posed by specific activities such as excursions.

Where risks are identified, BVPS will institute measures to reduce or remove such risks. This Policy will be implemented alongside several other BVPS policies including but not limited to the school's *Excursion/ Incursion, Anti-Bullying & Anti-Cyber Bullying, On-Site Supervision and Duty of Care policies*.

SCOPE

This policy applies to all staff, volunteers, and contractors in the school environment, whether or not they work in direct contact with children or young people. This policy will apply to the school environment (refer to Definitions section) and covers both school and outside of school hours.

DEFINITIONS

The Act: Child Safety and Well Being Act 2005

Child or young person: A person who is under the age of 18 years.

Aboriginal Child: A person under the age of 18 who: is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander Community

Children from culturally and/or linguistically diverse backgrounds: A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis

Child Safe Organisation: In the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse

Cultural Competency: A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations

Cultural Abuse: Actions and attitudes that deliberately ignore denigrate or attack the culture of a person or community. The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. A culturally safe environment does not ignore, challenge or deny cultural identity

Cultural Safety for Aboriginal Children: Cultural safety upholds the rights of Aboriginal children to:

- Identify as Aboriginal without fear of retribution or questioning
- Have an education that strengthens their culture and identity maintain connections to their land and country maintain their strong kinship ties and social obligations be taught their cultural heritage by their Elders
- Receive information in a culturally sensitive, relevant and accessible manner. Be involved in services that are culturally respectful

Cultural safety for children from culturally and/or linguistically diverse backgrounds: An environment, which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages

Children with a Disability: A disability can be any physical, sensory, neurological disability, acquired brain injury, intellectual disability, or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden

Organisation: The *Child Safety and Wellbeing Act 2005* (the Act) will provide that the standards apply to 'applicable entities', which are defined in the Act as: an unincorporated body or association (however structured) an individual who carries on a business and engages contractors, employees or volunteers to assist in the business in providing services or facilities

Child Abuse: For the purposes of these standards, abuse constitutes any act committed against a child involving: physical violence, sexual offences, grooming, serious emotional or psychological abuse or serious neglect. For further information regarding child abuse refer: Ministerial Order 870-Managing the Risk of Child Abuse in Schools 2016

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 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 does 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.

Child-connected work: Child-connected work means work authorised by the school, school council, or Secretary of the Department of Education and Training and performed by an adult in a school environment while children are present or reasonably expected to be present

Child safety: 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

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

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

Reasonable Belief: When staff 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.

School environment: School environment means any physical or virtual place made available or authorised by the school for use by a child during or outside school hours, including:

- a campus of the school
- online school environments including email and intranet systems; and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, homestays, and other school activities or events)

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

- employed by the Department of Education and Training
- directly engaged or employed by a school council, or
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)

POLICY

IMPLEMENTATION GUIDELINES

BVPS aims to implement a risk management approach by identifying and considering child safety risk/s based on a range of factors. Risk identification factors to be considered will include:

- the nature of activities undertaken with children
- physical and online environments and
- the characteristics of children

It is the responsibility of the BVPS Principal to ensure that staff have an understanding of potential risk factors and of their duty of care to students and behave in a manner that does not compromise these legal obligations. This policy will be implemented in conjunction with and through compliance with all Child Safe Standards and includes: -

- Integrating child safety risk appraisal into the BVPS risk register and related risk management procedures, ensuring a holistic evaluation of child safety across the whole school environment
- Ensuring clear processes for identifying, recording and acting on child safety risks are in place and school leadership and all staff are trained and supported in implementing these processes
- Maintaining objective, cyclic review and evaluation of the BVPS risk management strategy. In addition to annual evaluation the risk assessment strategy will be reviewed as part of a risk event follow up
- Ensuring all staff and school leadership are trained and supported in implementing child safe practices in accordance with the BVPS Code of Conduct. This will be monitored and conducted through induction processes, annual professional learning and annual performance and development review

By successfully implementing the Child Safe Standard 6, BVPS will be a school in which:

- Situational risks are considered and understood by all staff
- All steps are put in place to reduce risks and minimize harm where possible
- Risk management approaches are regularly reflected on, monitored and improved
- Specific risks to Aboriginal children and young people are identified, assessed and mitigated
- Specific risks to children from a culturally and/or linguistically diverse background is identified, assessed and mitigated
- Specific risks to children with a disability are identified, assessed and mitigated

Duty of Care

A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship.

Apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm or a risk that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse. (Refer to Risk Assessment Checklist attached)

The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.

Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:

- arriving late to class or leaving a class early
- arriving late to scheduled timetabled yard duty responsibilities
- failing to act appropriately to protect a student who claims to be bullied
- failing to prevent a foreseeable risk or exposure to potential harm to students
- failing to listen to a child who is wanting to share a problem or concern
- believing that a child is being abused but failing to report the matter appropriately
- being late to supervise the line-up of students after the bell has sounded
- leaving students unattended in the classroom
- failing to appropriately supervise children while using computers, other technologies or whilst using online forums
- failing to instruct a student who is not wearing a hat to play in the shade
- ignoring dangerous play
- leaving the school during time release without approval
- inadequate supervision on a school excursion or camp

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Available publicly on our school's website
- Included in staff induction processes and staff training
- Discussed at annual staff briefings/meetings
- Reminders in our school newsletter
- Hard copy available from school administration upon request

FURTHER INFORMATION AND RESOURCES

"Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools"

"Protect": BVPS Risk Assessment Checklist- Attachment 1

Failure to disclose: Department of Justice and Regulation website
www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence

More information about identifying, reducing and removing risks of child abuse is available in the

Child protection manual ref:

www.cpmmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting

Department of Health and Human Services website for information about how to make a report to child protection <https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

Information about failure to protect can be found on the Department of Justice and Regulation website http://assets.justice.vic.gov.au/justice/resources/0f547d32-a4c4-4e05-9fbf-7415a4b4e3f6/failure_to_protect_betrayal_of_trust_factsheet_2017.pdf
https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_RespondingTemplateSchools.pdf

Ministerial Order 870 – Managing the risk of Child abuse in Schools, 2016

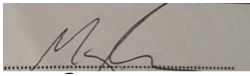
<http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>

<https://services.dhhs.vic.gov.au/child-protection>

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

EVALUATION AND RATIFICATION

The BVPS Child Safe Standard 6: Strategies to Identify, Reduce and Remove Risks of Child Abuse will be reviewed as part of the school's three-year review cycle or *before in line with DET requirements or mandates. Amendments to this policy will be made in consultation with staff, school council and the BVPS community. BVPS will monitor and review the effectiveness of this policy and revise the policy at least once every three years.

POLICY	Child Safe Standard 6: Strategies to Identify, Reduce and Remove Risks of Child Abuse
BVPS Council President	Signed: 
BVPS Principal	Signed: <u>C. Ziano</u>
Reviewed	August 2021
Ratified	/ /2021

*Schools should be aware of the following message posted on the **Commission for Children and Young People** website. *“New Child Safe Standards are being developed to better protect children and young people from abuse. The Victorian Government has announced that the new Standards will commence on **1 July 2022**, giving organisations time to plan, prepare and comply. The eleven new Standards will replace Victoria’s current seven standards and principles.”* Please note that at the time of developing the BVPS Child Safe Policies, the revised standards were not as yet available.

Checklist

Risk Event or Environment	Existing Management strategies or internal controls	Likelihood	Consequence	Current risk assessment	New risk management controls or internal controls	Who is responsible?	Residual risk
No organisational culture of child safety – lack of leadership, public commitment and frequent messaging	Child safety code of conduct Strategies developed to embed culture of child safety	Possible	Severe	Very High	<ul style="list-style-type: none"> Strategies to embed organisational culture of child safety are reviewed Statement of commitment to child safety is publicly available 	Principal, School Council President	Low
Inappropriate behaviour is not reported and addressed	Child safety code of conduct Clear child safety reporting procedures Performance management procedures	Unlikely	Severe	High	<ul style="list-style-type: none"> Strategies to embed organisational culture of child safety are reviewed Refresher training for staff – see eLearning mandatory reporting module 	Principal, School Council President	Low
Unquestioning trust of long-term employees and contractors or norms	Strategies developed to embed culture of child safety Clear child safety reporting procedures	Possible	Major	High	<ul style="list-style-type: none"> Refresher training for staff – see eLearning mandatory reporting module 	Principal, School Council President	Low
Recruitment of an inappropriate person	WWCC or Victorian Institute of Teaching registration	Unlikely	Major	Medium	Processes updated to require: <ul style="list-style-type: none"> Criminal history search Pre-employment reference check includes asking about child safety 	Principal, School Council President	Low
Engagement with children online	Child safety code of conduct Strategies developed to embed culture of child safety	Possible	Moderate	Medium	<ul style="list-style-type: none"> Train students and staff to detect inappropriate behaviour Ensure appropriate settings on all student technologies 	Principal, School Council President	Low
Unknown people and environments at excursions and camps	Child safety code of conduct	Unlikely	Moderate	Medium	<ul style="list-style-type: none"> Assessment of new or changed environments for child safety risks 	Principal, School Council President	Low

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	Strategies developed to embed culture of child safety Clear child safety reporting procedures				<ul style="list-style-type: none"> Ensure Code and strategies apply in all school contexts 		
Ad-hoc contractors on the premises (e.g., maintenance)	Child safe environments Information and awareness for visitors, staff, volunteers and contractors Adequate monitoring	Unlikely	Moderate	Medium	<ul style="list-style-type: none"> Refresher training for frequent contractors 	Principal, School Council President	Low