

Child Protection Policy

Introduction

Bayview College is committed to promoting and protecting the interests and safety of young people. We have zero tolerance for child abuse. Staff, volunteers and Contractors working at Bayview College are responsible for the care and protection of young people and reporting information about child abuse.

Purpose

The purpose of this policy is:

- To facilitate the prevention of child abuse occurring within Bayview College
- To work towards an organisational culture of child safety.
- To prevent child abuse within Bayview College
- To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls, procedures for preventing such abuse and/or detecting such abuse when it occurs.
- To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of Bayview College.
- To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
- To provide assurance that all suspected abuse will be reported and fully investigated.

Policy

Bayview College is committed to promoting and protecting the best interests of young people involved in its programs. All young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background, and have equal rights to protection from abuse.

Bayview College has zero tolerance for child abuse. All staff, volunteers and contractors working at Bayview College are responsible for the care and protection of the young people within our care and reporting information about suspected child abuse. Child protection is a shared responsibility between Bayview College, all employees, contractors, volunteers, and members of the Bayview College community.

Bayview College considers the opinions of young people and uses their opinions to develop child protection policies. Bayview College supports and respects all young people, staff and volunteers. Bayview College is committed to the cultural safety of Aboriginal and Torres Strait Islander young people, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for young people living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

Related Documents

This policy must be read in conjunction with:

- Bayview College Staff Code of Conduct
- Mandatory Reporting Policy
- Commitment to Child Safety Statement

- Child Protection Procedures
- Student Supervision Policy
- Risk Assessment and Management Policy
- Grievance Policy and Procedures
- School Counselling Service Policy
- Volunteer Code of Conduct
- Safe and Inclusive Learning Community Policy
- Staff Induction policy
- Termination of Employment Policy and Misconduct Procedures.
- Ministerial Order No 870

Child Protection Procedures & Responsibilities

The Bayview College Board has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The College Board is responsible for ensuring that appropriate policies and procedures and Child Protection Code of Conduct are in place.

The Principal of Bayview College is responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, Bayview College policies and procedures, and the Bayview's Code of Conduct
- Ensuring that all staff, contractors, and volunteers within the Bayview College community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All members of the Wellbeing Team must ensure that they:

- Always promote child safety
- Assess the risk of child abuse within their delegated area of responsibility and eradicate / minimise risk
- Educate all staff, contractors, and volunteers about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

The Leadership Team must be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All staff/volunteers/contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and Bayview College's policy and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the Department of Families, Fairness and Housing) and fulfil their obligations as mandatory reporters;

- Report any suspicion that a young person's safety may be at risk to the Principal (or, if the Principal is involved in the suspicion, to the Chair of the Bayview College Board);
- Provide an environment that is supportive of all young people's emotional and physical safety.

Definitions

Child means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard young people from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g., for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child and is an offence under section 49B(2) of the Crimes Act 1958 (grooming).

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The young person needs protection,
- (b) The young person has suffered or is likely to suffer "significant harm as a result of physical injury",
- (c) The parents are unable or unwilling to protect the young person.

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

Employment of New Personnel

Bayview College undertakes a comprehensive recruitment and screening process for all teachers, educational support staff and volunteers which aims to:

- Promote and protect the safety of all young people under the care of the Bayview College;
- Identify the safest and most suitable people who share Bayview College's values and commitment to protect young people; and
- Prevent a person from working at Bayview College if they pose a risk to young people.
- Bayview College requires all staff/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Bayview College.
- Persons applying for a role as a teacher with Bayview College must be registered with the Victorian Institute of Teaching. Non-teaching staff and volunteers must have a current Working with Children Check completed prior to employment.
- Bayview College may require applicants to provide a National police check in accordance with the law and as appropriate before they commence working at Bayview College and during their time with Bayview College at regular intervals.
- Bayview College will undertake thorough reference checks as per the approved recruitment procedure.
- Once engaged, staff/volunteers must review and acknowledge their understanding of this Policy.

Risk Management

Bayview College ensures that child safety is a part of its overall risk management approach. Board members receive regular training in relation to child safety. Bayview College has a Risk Board sub-committee committed to identifying and managing risks at Bayview College and reports regularly to the whole Board.

Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately advise the Deputy Principal/Child Safety Officer and/or Principal about their concern and notify the Department of Families, Fairness and Housing or the Victoria police.

In situations where the Principal is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the Chair of the College Board and/or to either the Department of Families, Fairness and Housing or the Victoria police.

Investigating

Breach of the Child Safety Code of Conduct may require Bayview College to report to all or some of the following organisations; the Department of Families, Fairness and Housing, Victoria police, Commission for Children and Young People, and Victorian Institute of Teachers. If any of these external bodies decide to investigate the report, all employees, contractors, or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to investigate, the Principal/College Board will consult with the authorities to determine if an internal/external investigation is appropriate. The Principal/College Board may decide to conduct such an investigation or may engage the services of an external investigator that specialises in Child Safety matters. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice. The Principal/College Board will make every effort to keep any investigation confidential; however, from time-to-time other members of staff may need to be consulted in conjunction with the investigation. After an initial review and a determination that the suspected abuse warrants additional investigation, the Principal shall coordinate the investigation. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the Bayview College's policies or Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the Child Safety policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the Bayview College. The findings of the investigation will also be reported to any/all of the aforementioned external bodies as required.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Bayview College will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

Reviewing

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the young people under the organisation's care.

References

State of Victoria, Department of Education and Training 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools Ministerial Order No. 870*, Education & Training Reform Act 2006, Young people, Youth and Families Act 2005 (Vic.),

Crimes Act 1958 (Vic.)

Associated Documentation

Child Safety Code of Conduct

Child Safe Policy

Mandatory Reporting Policy

Bayview College Board Handbook

Recruitment and Selection Policy

Safe and Inclusive Learning Community Policy

Bayview College Privacy Policy

Privacy Policy

Staff conduct and Performance Management Policy