# Child Safety and Wellbeing Policy

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| **Purpose:** | To demonstrate our commitment to creating and maintaining a child safe and child-friendly organisation, where children and young people are safe and feel safe.<br><br>This policy provides an overview of our school's approach to implementing Ministerial Order 1359 which sets out how the Victorian Child Safe Standards apply in school environments.<br><br>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 students across all areas of our work. |
| **Scope:** | School Board, staff, students and their families, volunteers, contractors |
| **Implemented by:** | Principal (Child Safety Officer) |
| **Approved by:** | PIVS Board |
| **Reviewed:** | Every two years, after an incident, as regulatory changes arise or improvements are identified. The review process will include input from students, families and the school community. |
| **Communicated via:** | PIVS Website, Staff Handbook, Parent Handbook, Policies and Procedures Manual |

## Overview

As a child safe organisation we value diversity in our community, expect engagement from families, and ensure we have practices in place to allow all children and young people to be safe and feel safe. Phillip Island Village School is focused on the safety and wellbeing of its students at all times and has a zero tolerance approach to child abuse and harm.

## Statement of Commitment to Child Safety

Phillip Island Village School is a child safe organization which welcomes all children, young people and their families, who are a good match with the schools philosophy, and approach to teaching and learning. We value diversity amongst our enrolled student population and the wider school community.

We believe it is important that families and students participate in decisions regarding child safety and wellbeing matters that affect their child.

We are committed to creating and maintaining a school in which all children and young people are safe and feel safe. Phillip Island Village School has zero tolerance for child abuse and takes steps to identify and manage any risks of harm to students in our school environment. We proactively identify and manage any risk of harm to students in our school and when child safety concerns are raised or identified we treat these seriously and respond promptly and thoroughly.

We promote positive relationships between students and adults and between students and their peers. These relationships are based on trust and respect.

Phillip Island Village School recognises that groups more vulnerable or at risk from harm may include:

- Aboriginal students

- Students from culturally and linguistically diverse backgrounds

- Students with disabilities

- Students unable to live at home

- Students who identify as lesbian, gay, bisexual, transgender and gender diverse, intersex and queer (LGBTIQ+)

- Students experiencing risk or vulnerability.

Inappropriate or harmful behaviour which deliberately targets students based on personal characteristics, values or beliefs is not tolerated at our school and any instances will be addressed with appropriate consequences.

Child safety is a shared responsibility and every person involved in our school has an important role in promoting child safety and wellbeing and is expected to promptly raise any issues or concerns about a child's safety.

We are committed to regularly reviewing our child safe practices and seeking input from our students, families, staff and community to inform our ongoing strategies.

## Definitions

There are a number of terms in this policy that have specific definitions, please see Schedule A for all relevant descriptions.

- Child safety

- Child abuse

- Child-connected work

- Child-related work

- Information Sharing

- Grooming

- School environment

- School staff

- School governing authority

- Student

- Volunteer

## Roles and Responsibilities

The **Principal and school leadership team** are responsible for ensuring that a strong child safe culture is created and maintained, and that policies and practices are effectively developed and implemented in accordance with Ministerial Order 1359. They will:

- ensure effective child safety and wellbeing policies, procedures and practices are in place and followed

- model a child safe culture that facilitates the active participation of students, families and staff

- enable inclusive practices where the diverse needs of all students are considered

- reinforce high standards of respectful behaviour between students and adults and between students

- promote regular and open discussion on child safety in the school community

- facilitate regular professional development for staff (and volunteers where appropriate) to build deeper understandings of child safety, cultural safety, student wellbeing, the prevention of and responding to abuse

- maintain a process for child safety complaints and concerns that is readily accessible to all members of the school community and does not discourage from reporting an allegation to authorities

- ensure that complaints and concerns are taken seriously

- promptly and thoroughly manage the response of the school.

The **school board** and the principal are responsible for meeting the requirements of Ministerial Order 1359. In performing the functions and authority given to them under relevant legislation, Board Members will

- champion and promote a child safety culture within the broader school community

- ensure that child safety is a regular agenda item at board meetings

- undertake relevant child safety training annually

- manage the process for responding to a complaint or concern if any other person with authority cannot perform their role due to a conflict of interest or unavailability

- maintain overall oversight, responsibility, and accountability for the safety of children at the school.

All **staff, contractors and volunteers** will:

- act in accordance with our Child Safety Code of Conduct

- participate in child safety and wellbeing training

- follow the Child Safety and Wellbeing Policy and other Child Safety Policies

- identify and raise concerns about child safety including following the Four Critical Actions for Schools

- ensure student's views are taken seriously and their voices are heard about decisions that affect their lives

- implement practices that respond to the diverse needs of students.

**Legal obligations to report.** Various people within our school have different levels of responsibility when it comes to their obligations to report child abuse and harm.

- Mandatory Reporting - Principals, teachers (and others working in schools such as medical practitioners, nurses, police, psychologists) are considered mandatory reporters

- Failure to disclose – all adults

- Failure to protect – adults in positions of authority

- Reportable Conduct – principals

For more information on reporting obligations refer to the Mandatory Reporting Policy.

## Child Safety Code of Conduct

Our Child Safety 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 students are informed and understand what is acceptable and what is not acceptable so they can be clear and confident of what to expect from adults in our school.

## Managing Risks to Child Safety and Wellbeing

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 safety policies, procedures and practices. Our Child Safety Risk Register is used to record any risks identified in our Child Safety Risk Assessments related to child abuse, along with actions that will be put in place to manage those risks. The Principal and Leadership Team, in conjunction with the School Board monitor and evaluate the effectiveness of the actions in the Child Safety Risk Register at least annually.

## Student Empowerment

To support child safety and wellbeing at our school, we work holistically to create a democratic, inclusive and supportive environment where strong relationships are reinforced and where we encourage friendships and peer support to ensure a sense of belonging.

We encourage students and families to contribute to our child safety approach and understand their rights and their responsibilities.

We inform students of their rights through the Social & Emotional program and Parliament and give them the skills and confidence to recognise unsafe situations with adults or other students and to speak up and act on concerns relating to themselves or their peers. We ensure our students know who to talk to if they are worried or feeling unsafe and we encourage them to share concerns with a trusted adult at any time. Families can also access information on how to report concerns on our website.

A key way students are able to feel empowered and have input over their experiences at school is through our student-led Parliament. For more information on how Parliament operates please refer to (Parent Handbook, Student Parliament Guide)

## Family Engagement

Our families and the school community have an important role in monitoring and promoting children's safety and wellbeing and helping children to raise any concerns. To support family engagement, we are committed to providing families with accessible information about our school's child safe policies and practices and involving them in our approach to child safety and wellbeing.

We will create opportunities for students and families to have input into the development and review of our child safety policies and practices. These opportunities will be communicated via existing communication channels such as email and student Parliament. We also encourage students and families to raise any ideas for improvement at any point in time.

All of our child safety policies and procedures are available on our website and we will inform families and the school community about any significant updates to our child safety policies or processes, and strategies or initiatives that we are taking to ensure student safety.

## Diversity and equity

We value and celebrate the diversity of our students, families and community and promote caring and respectful environments that are free from discrimination. We recognise that every child has unique skills, strengths and experiences to draw on and our school delivers curriculum content on diversity, equity and inclusion to all students to reinforce these values. We will support staff and volunteers to understand the diverse circumstances of children's and student's lives and provide them with support and training so they can appropriately respond to vulnerable students and children.

Our child safe strategies recognize individuals and supports the needs of groups of children and young people in the community with additional and specific needs and those who may be of higher risk, including

- Aboriginal children and young people
- children from culturally and linguistically diverse backgrounds
- children and young people with disabilities
- children unable to live at home or impacted by family violence
- children and young people who identify as LGBTIQ+.

During enrolment, by working directly with each family we will identify and understand the needs of students and their families, and make reasonable adjustments to support their participation, inclusion and safety.

## Suitable Staff and Volunteers

At our school we apply robust child safety recruitment, induction, training and supervision practices to ensure that all staff, contractors and volunteers are suitable to work with children.

When engaging staff to perform child-related work, we follow the Village School Recruitment Process and the Village School Child Safety Induction Process.

All those engaged in child-connected work will be supervised appropriately to ensure their behaviour towards children is safe and appropriate.

Staff will have ongoing monitoring and performance reviews to ensure their continuing suitability for child-related work.

Inappropriate behaviour towards children and young people will be managed swiftly and in accordance with our policies and legal obligations.

## Child Safety Knowledge, Skills and Awareness

Ongoing training and education are essential to ensuring our staff understand their roles and responsibilities, and develop their capacity to effectively address child safety and wellbeing matters.

Staff, board members and volunteers will participate in a range of training and professional learning to equip them with the skills and knowledge necessary to maintain a child safe environment. Training will be provided at least annually and be determined based on the role and in line with the School's Child Safety Training Program.

## Child Safety Concerns and Complaints Processes

We have clear pathways for raising child safety concerns and complaints through our Concerns and Complaints Policy. By fostering a culture that encourages staff, volunteers, students, parents and the school community to raise concerns and complaints, it makes it more difficult for abuse or misconduct to occur and remain hidden.

When responding to a concern or complaint, the school will take into account the specific needs of those involved, and the diverse make-up of the school community.

The concerns and complaints processes will be used in relation to concerns and complaints made by, or in relation to, a child or student, school staff, volunteers, contractors, service providers, visitors and other people while connected to the school environment.

A child friendly visual guide to making a complaint will be displayed within the school and this policy will be publicly available via the school's website.

**Staff and Volunteers** – If staff or volunteers receive a disclosure or allegation of child abuse, or form a reasonable belief of child abuse, they must follow the Mandatory Reporting Policy, in particular the PROTECT Four Critical Actions (outlined below).

In addition, if staff have concerns with the school's management of child safety they can refer to the Whistleblower Policy. In addition to any external reporting, the Principal and/or Chairperson may utilise the Misconduct, Harassment, Bullying and Discrimination Complaints Process and Guide to manage any incident, disclosure or allegation of child abuse related to a staff member or volunteer.

### Four Critical Actions for Schools:

There are four critical actions which the school must take when responding to an incident, disclosure or suspicion of child abuse. These are required to ensure the school meets its legislative obligations to protect children in its care. They are:

1. Respond to an Emergency    If a child has just been abused or is at immediate risk of harm the school **must** take reasonable steps to protect them. Reasonable steps must also be taken to preserve the environment, the clothing,

or other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

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| 2. | Report to Authorities | As soon as immediate health and safety concerns are addressed the Child Safety Officer **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence. |
| 3. | Contact Parents/Carers | **After** the school's Child Safety Officer has made a report and **before** contacting parents/carers, they must seek advice from the Department of Families, Fairness and Housing (DFFH) Child Protection and/or Victoria Police. |
| 4. | Provide Ongoing Support | The school has a critical role in supporting students impacted by abuse and have a duty of care to ensure that the students feel safe and supported at school. Actions may include referral to wellbeing professionals and community services and the development of a student support plan. |
| | | The Principal is responsible for ensuring students are supported during interviews at school conducted by Victoria Police or DFFH Child Protection and in Court, should a subpoena be issued. |
| | | Support **must** also be provided to any impacted staff members. |

**Students** – If students feel unsafe or have a child safety disclosure, allegation, concern or complaint they are encouraged to raise it with a trusted adult at any time. All adults in the school community will take the complaint seriously and respond promptly and thoroughly in line with the PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools.

**Parents and community members** – Any parent, caregiver or community member may lodge a Child Safety related concern or complaint directly to the Principal (or to the Chairperson if it relates to the Principal) as per the Concerns and Complaints Policy. The complaint will be taken seriously and responded to promptly and thoroughly.

In all instances of a child safety nature, the discloser or complainant and the child to whom the disclosure relates, will be offered support. For the child this could be having a trusted adult within the school act as a support person for them by attending alongside them for any interviews, liaising with external supports or professionals, ensuring privacy, making sure school remains a safe place for them, and monitoring the child's ongoing behaviour. For the discloser support might include privacy and confidentiality, connecting them with external supports, providing time and a private place for them to process their disclosure, and ensuring school remains a safe place for them. Further details can be found in the Mandatory Reporting Policy.

In all instances, the discloser and the child to whom the disclosure or allegation relates will be kept informed of the process, steps taken and be provided with an estimated timeline.

At all times the school will take the advice of relevant agencies such as Victoria Police, DFFH and Orange Door/Child First.

## Communications

We are committed to communicating with the school community on child safety. We will communicate relevant child safety strategies and information by making sure all child safety policies are on our website, displaying PROTECT posters throughout the school, providing updates in school newsletters or via email and ensuring the child safety is a regular agenda item at staff meetings, leadership meetings and board meetings.

## Privacy and Information Sharing

The school will collect, use and disclose information about children and their families in accordance with relevant privacy laws. See our Privacy Policy for further information.

## Records Management

We acknowledge that good record management practices are a critical element of child safety and wellbeing and manage our child safety related records in accordance with the Creating, Managing and Retaining Records for Current or Future Child Sexual Abuse Allegations document prepared by the Public Record Office Victoria (PROV).

The school will ensure a full and accurate record is made of all aspects of the incident or allegation, including any investigation, response or actions taken. This could include: Enrolment, attendance and absence records, staff rosters and leave records, records of camps and excursions including all students and staff in attendance, visitor sign-in sheets, records outlining volunteer attendance and student work placements, Working with Children Clearances, staff personnel files and performance reviews and observation records.

In addition, the school is required to retain any records which might reasonably be required in the case of a future allegation or investigation. We will take a risk-based approach to determining the level of records to be kept for any possible future allegation. This means that in instances where students stay overnight, are alone with an adult or another child, or during times where the child is in an environment where they are not under public scrutiny then more substantial records should be kept.

Records must be kept for the required period of time as per the PROV.

## Review of Child Safety Practices

The school will review this policy every two years, after an incident, as regulatory changes arise or improvements are identified. The review process will include input from students, families and the school community.

We will ensure that there are systems in place to record and analyse all child safety concerns, complaints, and safety incidents to identify causes and systemic failures and inform continuous improvement.

We will report on the outcomes of relevant reviews to the board and through the school's Annual Report.

## Duty of Care

- The school has a responsibility to ensure reasonable care is taken to protect students from harm. The school's duty of care is **non-delegable,** that is the school cannot discharge its duty of care by delegating this responsibility to another person or entity.

- The school's non-delegable duty of care extends to ensuring the safety and welfare of students when they are engaged in off-site activities and when learning with another provider.

- The school as a legal entity can be sued for a breach of this duty.

- The school's duty of care is higher than that which applies to teachers.

- The school has a different and sometimes greater duty of care with respect to younger children and children with disabilities.

- The school has a responsibility to make sure all staff are aware of their legal obligations relating to their individual duty of care.

- The way in which the school's duty is discharged is through the leadership, decisions, actions (and omissions) of those designated as responsible person

## Types of Abuse

The following is a list of potential risks to children. The identification of the risks assists with the development of appropriate strategies to mitigate the risks. See Appendix 1 for extended definitions.

- Physical child abuse
- Child sexual abuse
- Emotional child abuse
- Grooming
- Family Violence
- Neglect
- Student sexual offending
- Sexual Behaviour in Children Under 10 Years

# Strategies to mitigate risk to Children

Phillip Island Village School has the following general strategies to mitigate identified risks:

- The development and publishing of this Child Safety and Wellbeing Policy.
- A framework of policies that have been designed and informed by the Child Safe Risk Assessment.
- A Child Safe Risk Assessment that is conducted annually, and any associated policy revisions or outcomes from the risk assessment will be communicated to the school community. In addition any specific risks identified are recorded on a register which is reviewed annually by the School Board.
- A Child Safety Code of Conduct that establishes clear expectations for appropriate behaviour with children is signed by all employees and volunteers annually.
- A Working with Children policy that clarifies who is required to have a working with children clearance (WWCC).
- A recruitment and onboarding process that includes procedures for gathering, verifying and recording employment information in relation to child safety and a person's suitability for child-related work.
- All staff are required to have a WWCC (employee status) or current VIT registration.
- Position descriptions include child safe responsibilities and state the requirement to comply with the standards of Ministerial Order 1359
- An overall Child Safety Training Program that establishes specific training that is required by each staff member, volunteer or board member based on their duties.
- Child friendly resources and processes are in place to ensure children know who to talk to if they feel unsafe or have a concern or complaint.
- A Behaviour Management Policy and pathway that establish clear expectations for appropriate behaviour of students.
- Digital Technologies Policy and Digital Technology Code of Practice Agreement.
- Student Code of Conduct
- Concerns and Complaints Policy clearly outlining how to raise concerns of any nature including Code of Conduct breaches or any Child Safety concerns.
- Supervision policies that cover school-based, online and off-site activities.
- A public Statement of Commitment to Child Safety.
- A commitment within this policy to engage with students, staff and families on our Child Safety strategies, policies and documents including soliciting feedback and circulating revised documents.
- A commitment to strong leadership, governance and accountability in the area of child safety.
- A Child Safety Induction Program for staff, board members and volunteers.

## Related Documentation:

- PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools
- PROTECT Responding to Suspected Child Abuse: A Template for All Victorian Schools
- Child Safety Risk Assessment
- Excursion and Camp Risk Assessment
- Definitions related to child safety, https://www.vic.gov.au/child-safe-standards-definitions
- The United Nations Convention on the Rights of the Child.
- Village School Recruitment Process
- Village School Child Safety Induction Process
- Village School Child Safety Training Program
- Misconduct, harassment, bullying and discrimination Complaints and Process and Guide
- Creating, Managing and Retaining Records for Current or Future Child Sexual Abuse Allegations (Public Record Office Victoria)

## Related Policies:

- Child Safety Code of Conducts
- Working With Children Policy
- Mandatory Reporting Policy
- Concerns and Complaints Policy
- Student Supervision Policy
- Bullying and Harassment Policy
- Behaviour Management Policy
- Privacy Policy

# Schedule A: Definitions

**Child**

Child means a child or young person who is under the age of 18 years.

**Child abuse**

Child abuse includes:

a) any act committed against a child involving:

1. a sexual offence
2. grooming offences under section 49M(1) of the Crimes Act 1958

b) the infliction, on a child, of:

1. physical violence
2. serious emotional or psychological harm

c) the serious neglect of a child including exposure to family violence and its effects

**Child abuse (emotional)**

Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

**Child abuse (physical)**

Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.

**Child abuse (sexual)**

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity. Sexual offences are governed by the Crimes Act 1958 (Vic.)

**Child safety**

Child safety includes 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 suspicions, incidents, disclosures or allegations of child abuse.

**Child-connected work**

Child-connected work means:

Work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present

Note: Working with Children clearance is required by law only for people who engage in child-related work. Schools and school boarding premises may also choose to require suitability checks (including Working with Children clearance) for visitors and volunteers engaging in child-connected work.

**Child-related work**

The Worker Screening Act 2020 defines Child-related work as:

child-related work as work in any of the occupational fields, involving contact with a child that is direct and not incidental to the work.

**School environment**

School environment means any of the following physical, online or virtual places, used during or outside school hours:

a) A campus of the school

b) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services)

c) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:

1. camps
2. approved homestay accommodation;
3. delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or (iv) sporting events, excursions, competitions or other events.

**School governing authority**

School governing authority means the proprietor of a school, including a person authorised to act for or on behalf of the proprietor which in this case is PIVS Limited and the members of the company.

**School governing body**

Governing body in relation to an Independent school means the person or body responsible for the governance, conduct or management of the school, in this case the PIVS Board.

### School staff

School staff in an Independent school means:

An individual working in a school environment who is:

1. directly engaged or employed by the school
2. a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school to perform child-related work

### Student

Student means a person who is enrolled at or attends the school.

### Volunteer

Volunteer means a person who performs work without remuneration or reward for the school in the school environment.

### Grooming

Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

### Information sharing

Information sharing refers to the collection, use and disclosure of personal information either within an organisation or between organisations. Information sharing can occur in many ways including:

- one organisation disclosing information (the disclosing organisation) to another (the receiving organisation)
- multiple organisations combining information in a database and making it available to each other
- the reciprocal exchange of information between organisations.

### Family violence
The Family Violence Protection Act 2008 (Vic) defines family violence as behaviour by a person towards a family member if that behaviour:

- is physically or sexually abusive
- is emotionally or psychologically abusive
- is economically abusive
- is threatening or coercive OR

- in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

Or, behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

## Neglect

Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary.
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
- Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.

## Student sexual offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence. For more information on what to do if you suspect a student of sexual offending, see: Identifying and responding to Student Sexual Offending (https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/stusexual.aspx)

## Sexual Behaviour in Children Under 10 Years

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development. Sexual behaviour can present itself along a broad continuum, with research suggesting that only a small number of children and young people develop problem sexual behaviour.

For more information, see: Identifying and responding to Student Sexual Offending (https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/stusexual.aspx)