

# POLICIES AND PROCEDURES

## Child Protection Policy



**Date**            **July 2022**

**Review**        **July 2023**

### **Purpose**

The purpose of this document is to provide clear guidelines to employees, contractors and other visitors to the School regarding expectations when interacting with students and other children.

Lauriston Girls' School is committed to fulfilling its duty of care to all students and specifically students under the age of 16 in relation to the Crimes Act 1958 (Vic) which was amended in 2014 to include offences of: (1) failing to disclose a sexual offence; (2) grooming for sexual conduct; and (3) failing to protect a child from sexual offence. This policy is underpinned by the Crimes Act (1958 (Vic)).

### **Application**

Through the application of this policy, the School aims to:

- Ensure all reasonable steps are taken so that students are safe from abuse, including sexual abuse, and they feel safe at all times.
- Enable School Council members, all persons in positions of authority, care or supervision, all employees of the School and where applicable, students of 18 years or over to understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 16 in accordance with the Crimes Act 1958 (Vic).
- Ensure all members of the School community aged 18 and over understand their reporting obligations in accordance with the Crimes Amendment (Protection of Children) Act 2014 (Vic).
- Provide clear guidelines to employees, contractors and visitors to the School regarding expectations when interacting with students and other children.

### **Policy Requirement**

This policy requires individuals to understand the requirements of State and Federal Legislation regarding the Protection of Children against sexual abuse. It also requires individuals to demonstrate a duty of care to take all reasonable steps to prevent incidents which may expose a student or another child to harm in accordance with the school's Mandatory Reporting Policy.

The School recognises that children and students have a right to be treated with dignity and respect, free from emotional and physical danger, abuse (including sexual abuse) and neglect.

In addition, the policy is intended to protect the reputation and wellbeing of supervising adults from allegations or misunderstandings. It applies to both the workplace behaviour and behaviour expected outside the workplace while in the employment of the School.

If further explanation of any of the instructions provided here is required, it should be sought from the Heads of School, the Director of the Lauriston Institute or the Principal.

As an overarching principle, the Principal must be kept informed of any issues relating to potential or actual risk to the protection of children and students and/or reputational risk to supervising adults or the School at all times.

# POLICIES AND PROCEDURES

## Child Protection Policy



### Policy

The Principal will:

- Ensure that all staff members, volunteers, students aged 18 and over, School Council members and the School parent community are aware of the Crimes Act 1958 (Vic) and have access to a copy of this policy;
- Ensure that all adults within the School community are aware of their obligation to report suspected sexual abuse of a child under 16 years to the police; and
- Provide support for staff in undertaking their responsibility in this area.

All staff members will:

- Be aware of the School's Child Safe Policy, Child Protection Policy and the Mandatory Reporting Policy;
- Report any reasonable belief of child abuse (including sexual abuse) to the police or fulfil their obligation as Mandatory Reporters (if applicable); and
- Provide an educational environment that is supportive of all children's emotional and physical safety.
- Parents/Caregivers/Volunteers/Students 18 years and over will:
- Be aware of this School's Child Safe Policy, Child Protection Policy and the Mandatory Reporting Policy; and
- Understand their obligations to report reasonable belief of child sexual abuse to the police.

### Protection of Children against Sexual Abuse: Specific Offences

Failure to Disclose: Reporting child sexual abuse is a community-minded responsibility. The 'failure to disclose' offence imposes a clear legal duty upon all adults aged 18 and over to report 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 the Department of Health and Human Services.(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:

# POLICIES AND PROCEDURES

## Child Protection Policy



- 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 who is under 16 years of age must report that information to Victoria Police.

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 of Department of Health and Human Services.(Child Protection) disclosing all information.
- A reasonable belief that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.

An adult aged 18 years of age or over forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16.

### Mandatory Reporting

Mandatory reporting involves informing the Department of Health and Human Services.(Child Protection) of conduct involving a child 17 years and under that would constitute abuse (physical, emotional or sexual), neglect or exploitation. In the case of students who are over the age of 18, the required contact point will be the Police.

The protection of children is regulated by the Children, Youth and Families Act 2015. Section 182 specifies that a person registered under the Education Training and Reform Act 2006 or who has been granted permission to teach under that Act is designated as a mandatory reporter.

As such, it is an offence on behalf of an individual teacher and/or the School to fail to notify the Department of Health and Human Services.(Child Protection) of concerns if they have formed the belief on reasonable grounds that:

# POLICIES AND PROCEDURES

## Child Protection Policy



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

If the individual teacher or the School notifies the Department of Health and Human Services.(Child Protection) in good faith, based on having reasonable grounds for forming the view that the child is at risk, it will not be considered unprofessional conduct by the teacher or School.

In every case, where it may be necessary to report a matter to the Department of Health and Human Services.(Child Protection) or the Police, the Principal must be notified as a matter of urgency; she will assist the teacher or other employee in making the report and ensure that they are provided with support.

Mandated Notifier	Not a Mandated Notifier
Fulfil obligations under the Children, Youth and Families Act (2005)	Notify supervisor, Principal or her delegate.
Notify supervisor, Principal or her delegate	Refer to Mandatory Reporting Policy
Refer to Mandatory Reporting Policy and make a report with the Principal or her delegate	Make a report with the support of the Principal or her delegate.

### Grooming

Section 49B of the Crimes Act relates to the offence of 'Grooming for sexual conduct with a child under the age of 16 years'. The offence targets predatory conduct designed to facilitate later sexual activity. The offence can be committed by any person aged 18 years or over.

### Definition

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applied where an adult communicates, 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 engagement in or involvement in sexual conduct, whether with the groomer or another adult.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, grooming may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as indecent behaviour in public.

# POLICIES AND PROCEDURES

## Child Protection Policy



### Procedure

Should any member of the School community aged 18 and over become aware of grooming behaviour by a person aged 18 years or over, they should notify the police and/or the Principal immediately.

It is the responsibility of the Principal and / or others associated with the School with authority or responsibility, to take action upon becoming aware of grooming behaviour to protect (so as to reduce or remove a substantial risk) in accordance with the 'failure to protect' offence (see below)

- 1 Any member of School community aged 18 years or over forms a reasonable belief of Grooming taking place
- 2 Member of the School community notifies the police and/or Principal or other senior staff member.
- 3 Take steps to protect child including reduction or removal of risk
- 4 Subject to guidance from the Police, follow School policies on Critical Incident Management.

### Failure to Protect Offence

Section 49C of the Crimes Acts states that it is a criminal offence in Victoria for a person in authority to fail to protect a child under the age of 16 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of an organisation (including schools) will become a victim of a sexual offence by an adult associated with the School. The person in a position of authority may be guilty of an offence if they know of the risk, but negligently fail to do so.

### Definition

If a person associated with the School who by reason of their position has the power or responsibility to reduce or remove a substantial risk that a child will become a victim of a sexual offence committed by an adult associated with the School, they must not negligently fail to reduce or remove the risk. That is, as soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

A person who has the power or responsibility to reduce or remove the risk will include the Principal, School Council members and senior staff, as well as teachers by virtue of their responsibilities. Any member of staff or person associated with the School who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Principal as soon as is reasonably practicable

### Procedure

1. Principal becomes aware of risk of sexual abuse to a child in school from an adult aged 18 years or over associated with the School community.
2. Principal takes immediate action to reduce or remove the risk to the child. Such an action might include: if the adult concerned is a staff member, immediately standing that person down or otherwise removing their access to students while an

# POLICIES AND PROCEDURES

## Child Protection Policy



	investigation is underway.
3	Notify Police and/or other authorities
4	Refer to Critical Incident Management Policy. Seek guidance from Police.

### Support and Protection of Students

In all instances, the school will protect, support or assist children who disclose abuse, or are otherwise linked to suspected child abuse by:

- Ensuring that the student does not have contact with the staff member or person associated with the School who is alleged to have committed any of the specific offences noted in this policy until the allegation is resolved.
- The provision of counselling by the School Psychologist with the agreement of the parents;
- The provision of the School wellbeing support network including the School Psychologist, School Nurse, Year Level Coordinators, House Coordinators and Tutors.
- Family counselling with the School Psychologist or an external psychologist, where recommended.
- Modifications to the academic program where appropriate.
- Modifications to the School timetable and attendance where appropriate

### General Expectations

It is expected that every employee will:

- Take all reasonable steps to avoid placing themselves, students or other children in circumstances which may reasonably be considered a risk to their safety or wellbeing.
- Consider what they do and say in terms of the potential for (in interacting with a child or student) misunderstanding, allegations, misinterpretation or innuendo
- Avoid being alone (without reasonable visibility from outside the room) with a child or student.
- Comply fully with preventative supervisory practices
- Take an active role to ensure the protection of students and other children on LGS premises and elsewhere:
- Report any conduct or event which poses a risk to the safety and wellbeing of a student, child, supervising adult or the School to the Principal or Head of School without delay.

# POLICIES AND PROCEDURES

## Child Protection Policy



- Maintain strict confidentiality of information relating to events or individuals in regard to allegations of unwelcome or inappropriate conduct (except to report it as required to managers or external authorities)
- Fully cooperate with any investigation, formal or informal, which occurs as a consequence of allegations or misunderstandings regarding conduct being brought to the School's attention.
- Refrain from activities, conduct or communication involving children or students that would reasonably be seen to have a negative impact on the reputation of the School or Students of the School.

In order to comply with the terms of an employment contract, Legislation and other regulations regarding the Protection of Children, employees, contractors and volunteers are expected to follow the Code of Conduct.

### Related Documents

- Privacy Policy
- Child Protection Policy
- Mandatory Reporting (and other reporting obligations) Policy
- Child Safe Policy
- Code of Conduct