



6.5 CHILD PROTECTION POLICY

OCTOBER 2006

- 1. Introduction**
- 1.1 St Mary's Coptic Orthodox College is committed to fulfilling its duty of care to all its students by:
- providing them with a learning environment that is safe, supportive and caring;
 - seeking to recognise promptly when any of its students are in **need of protection**.
 - Taking appropriate action to protect its students when the School or its staff becomes aware that its students are in need of protection.
- 1.2 Accordingly, **reportable conduct** by staff towards students will not be tolerated under any circumstances. The School expects all staff to honour the School's commitment in this Policy and to work with the School to achieve a safe learning environment.
- 1.3 The School is committed to complying with its obligation under "The Children and Young Persons Act 1989", and to educating its staff as to those obligations.
- 1.4 The School recognises that there is a danger that its staff could be seriously affected by false, vexatious or misconceived allegations against them. The School is therefore also committed to investigating all allegations promptly and fairly.
- 1.5 Terms that are defined in the Dictionary at the end of this policy are highlighted in bold.
- 2. Publication and Distribution**
- 2.1 This policy must be published in the School's Policy Manual.
- 2.2 This policy must be given to all new staff who must, as part of their contract of employment, agree to its terms.
- 2.3 This policy must also be given to:
- 2.3.1 Any person who makes a **reportable allegation**; and
 - 2.3.2 Any person, being a member of the School community, who requests a copy
- 3. Creating a Safe Learning Environment**
- 3.1 The School must develop strategies to create a safe learning environment. These will include educating all members of the School community about child protection issues.
- 3.2 All **Staff** must become familiar with these strategies.
- 3.3 All **reportable allegations** must be taken seriously.
- 3.4 The strategies developed by the School must be monitored continuously and reviewed regularly.
- 3.5 The School must provide professional development to meet the needs of the staff in implementing this Policy.

3.6 The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must:

3.6.1 Promote this Policy within the School, with particular regard to the professional development needs of **staff**; and

3.6.2 Monitor the strategies to create a safe learning environment.

3.7 **Staff** must:

3.7.1 Be aware of the content of Victorian Child Protection protocols;

3.7.2 Report promptly in accordance with this policy whenever they

- hold a belief that a student is in **need of protection**.
- have become aware of a **reportable allegation** against a **member of staff** whenever or wherever the **reportable conduct** took place

4. Reporting Obligations

4.1 Any teaching **member of staff** who forms the belief on reasonable grounds that a child is in **need of protection** must report that the student is in **need of protection** under Section 64 1(A) of the Children and Young Persons Act 1989.

4.2 Any **member of staff** to whom a reportable allegation is made or who becomes aware of **reportable allegation or conviction** is requested to discuss their concerns with the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary.

4.3 Any **member of staff** who forms the belief on reasonable grounds that a child is in **need of protection** on the grounds that a child has or is likely to suffer significant harm as a result of physical injury or sexual abuse, and those grounds arise during the course of or from the member of staff's work must report the name, or description, of the student and the grounds for suspecting that the student is in **need of protection** is requested to discuss their concerns with the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary..

4.4 Any **member of staff** who has reporting to, and following discussion with the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary, is still concerned about a child's safety and continues to hold the belief that a **child** is in need of further protection, is legally obliged to make a report to the Child Protection Service.

4.5 If the **reportable allegation** is against the St Mary's Coptic Orthodox Colleges Head of Primary, or if the **child** is in **need of protection** from the St Mary's Coptic Orthodox College Head of Primary the report should be made according with the obligations under this policy.

4.6 If the **reportable allegation** is against the St Mary's Coptic Orthodox Colleges Head of Secondary, or if the **child** is in **need of protection** from the St Mary's Coptic Orthodox College Head of the report should be made according with the obligations under this policy.

4.7 When the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary receives a report from a **member of staff** under this section of this policy, they must take action including where necessary, making a notification to

the Child Protection Services and/or the Victoria Police.

- 4.8 The St Mary's Coptic Orthodox College must set up structures which make it easy for **staff** and other members of the School community to discuss their concerns with other school based personnel to ascertain if the concerns observed require a family services response rather than Child Protection intervention, or where a notified case has been closed, a referral to an appropriate child and family support agency.
- 4.9 The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must ensure that no person reporting under this section of this policy is disadvantaged as a result.

5. Risk Management

- 5.1 Pending completion of any investigation (whether by the School or an external authority), the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary may limit the contact the **member of staff** is to have with students or other **staff**, direct the **member of staff** to undertake duties other than normal duties or at different locations or suspend the **member of staff** (but on normal pay). Before taking such action, the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must consider what risk, if any, the **member of staff** might pose to students. The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must take into account all relevant circumstances, including:
 - 5.1.1 The nature of the allegation;
 - 5.1.2 The vulnerability of the students (for example, because of their age);
 - 5.1.3 The nature of the position occupied by the **member of staff**;
 - 5.1.4 The extent to which the member of staff is supervised;
 - 5.1.5 The disciplinary record of the **member of staff**;
 - 5.1.6 The safety of the **member of staff**; and
 - 5.1.7 The extent to which the investigation could be compromised by the **member of staff** continuing his or her normal duties.
- 5.2 Any action taken by the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary under this section of the policy is not an indication that the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary has made, or is likely to make any particular findings in relation to the allegation against the **member of staff**.

6. Investigation

- 6.1 This section of the policy applies unless an investigation is being carried out by the Police, the Child Protection Service or some other state or federal authority. This section also applies to any investigation carried out by the School once an investigation carried out by an external authority has been completed.
- 6.2 The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must investigate or must cause to be investigated all **reportable allegations**.
- 6.3 The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must carry out all investigations in a way which affords procedural fairness to any member of staff involved. This means that, before completing an investigation of a

reportable allegation, the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must inform the **member of staff** of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the **member of staff**, with the assistance of a support person of the member of staff's choice). Normally the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary are to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must:

- 6.3.1 Act fairly and without bias;
- 6.3.2 Conduct an investigation without undue delay;
- 6.3.3 Ensure the case is not investigated or determined by someone with a conflict of interest;
- 6.3.4 Ensure the outcome of supported by evidence;
- 6.3.5 Take steps to maintain confidentiality for the sake of all parties involved in the investigation
- 6.4 At the conclusion of the investigation, the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary may:
 - 6.4.1 if the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the **member of staff** an apology and a commitment not to repeat the offence;
 - 6.4.2 if it is more serious, require from the **member of staff**:
 - 6.4.2.1 an undertaking to attend counselling;
 - 6.4.2.2 a written apology;
 - 6.4.2.3 a commitment not to offend again; and
 - 6.4.3 in the **most serious case, suspend or terminate the employment of the member** of staff;

7. Pastoral Care

- 7.1 Where a student is in **need of protection** or the person to whom the reportable conduct has allegedly been directed, the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary must as soon as possible advise the student's parents or caregivers unless he is satisfied that:
 - 7.1.1 Child Protection Services intends to notify the student's parents or caregivers promptly; and
 - 7.1.2 the school will not in breach of its duty of care to the student or to other students by not advising the student's parents or caregivers.
- 7.2 The School must:
 - 7.2.1 make available it's counselling staff to provide counselling and other support as required to:
 - 7.2.1.1 any student who in **need of protection** or the person to whom reportable

conduct has allegedly been directed; and

7.2.1.2 any **member of staff** against who a reportable allegation have made; and

7.2.1.3 where relevant, their families; and

7.2.2 refer these people to external agencies able to provide relevant care and support.

8. Employment

8.1 The School must not employ a person in child-related employment without first requiring that person to agree to provide a criminal record check.

8.2 A **member of staff** who receives a criminal record must immediately inform the St Mary's Coptic Orthodox College Head of Primary or Head of Secondary and resign from employment with the School.

9. Record Keeping

9.1 The School is committed to keeping accurate records of all matters required by this policy.

9.2 The School will not disclose any information obtained by it in connection with **employment screening**, except as allowed by law.

The School will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.

9.3 A **member of staff** who is the subject of **relevant employment proceedings** can:

9.3.1 apply under the *Freedom of Information Act 1989* for access to any documents held by the School containing information about those proceedings; and

9.3.2 apply under the *Freedom of Information Act 1989* for the amendment of any School records which contain information about the proceedings on the grounds that such records are incorrect or misleading.

10. Review of Policy

10.1 The St Mary's Coptic Orthodox College Head of Primary or Head of Secondary are to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.

11. Dictionary

11.1 **Assault** includes **physical assault** and **sexual assault**. **Physical assault** must include all three of the following elements:

11.1.1 an act committed on or towards a **child**; and

11.1.2 and act where there is the application of force to a **child** or an act that causes a **child** to think that immediate force will be used on them; and

11.1.3 the act is hostile or reckless (a reckless act is one where the person foresees the likelihood inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur for an **assault** to have taken place. That is, the **child** does not have to be injured. Physical contact which is an inevitable part of everyday life does not amount to an **assault**.

Sexual assault refers to a sexual offence against, with or in the presence of a **child**. It

includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a **child**.

11.2 **Child** means a person under the age of seventeen years.

11.3 **Employment screening** means any or all of the following procedures with respect to a person who is employed or who has applied to be employed in child-related employment:

11.3.1 a check for any relevant criminal record of the person, for any relevant apprehended violence orders made against the person or for any relevant employment proceedings completed against the person,

11.3.2 any other relevant probity check relating to the previous employment of other activities of the person,

11.3.3 an assessment of the risk to children involved in that child-related employment arising from anything disclosed by such a check, having regard to all the circumstances of the case,

11.3.4 the disclosure of the results of any such check or risk assessment to any person who determines whether the person is to be employed or continue to be employed in that child-related employment (or to a person who advises or makes recommendations on the matter).

11.4 **Grooming behaviour** means a pattern of behaviour aimed at engaging a **child** as a precursor to sexual abuse. The grooming process can include:

11.4.1 persuading the **child** that a “special” relationship exists – spending inappropriate special time with the **child**, inappropriately giving gifts, showing special favours to them but not other children, allowing the **child** to overstep rules, etc.;

11.4.2 testing of boundaries – undressing in front of the **child**, allowing the **child** to sit on the lap, talking about sex, ‘accidental’ touching of genitals, etc.

These behaviours may not indicate risk of occurring in isolation but if there is a pattern of behaviour occurring, it may indicate grooming. **Grooming behaviour** constitutes a form of **sexual misconduct**.

11.5 Legal Definition of a child in **Need of Protection**

For the purpose of this policy, a **child** is in **need of protection** if any of the following grounds exist:

11.5.1 The **child** has been abandoned by his or her parent and after reasonable inquiries:

- i. the parents cannot be found; and
- ii. no other suitable person can be found who is willing and able to care for the **child**;

11.5.2 The child’s parents are dead or incapacitated and there is no other suitable person willing or able to care for the **child**;

11.5.3 The **child** has suffered, or is likely to suffer, significant harm as result of

physical injury and the child's parents have not protected, or are unlikely to protect, the **child** from harm of that type;

11.5.4 The **child** has suffered, or is likely to suffer, significant harm 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;

11.5.5 The **child** has suffered, or is likely to suffer, emotional or psychological harm of such kind that the child's emotional and intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the **child** from harm or that type;

11.5.6 The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care effective medical, surgical or other remedial care.

11.6 **Reportable allegation** means an allegation of **reportable conduct** against a person or an allegation of misconduct that may involve **reportable conduct**.

11.6.1 **Reportable conduct** means:

11.6.1.1 any sexual offence, or **sexual misconduct**, committed against, with or in the presence of a **child** (including a child pornography offence), or

11.6.1.2 any assault, ill-treatment or neglect of a **child**, or

11.6.1.3 any behaviour that causes psychological harm to a **child**, whether or not, in any case, with the consent of the **child**.

11.6.2 **Reportable conduct** does not extend to:

11.6.2.1 conduct that is reasonable for the purposes of the discipline, management or care of the children, having regard to the age, maturity, health, or other characteristics of the children and to any relevant codes of conduct or professional standards, or

11.6.2.2 the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or

11.6.2.3 Examples of conduct that would not constitute **reportable conduct** include (without limitation) touching a **child** in order to attract a child's attentions, to guide a **child** or to comfort a distressed **child**; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental. Further examples of behaviours that are not **reportable conduct** include providing appropriate medical care to a **child** who is hurt; guiding a **child** by the shoulders, arms or hands; not providing supervision where this was for good reason, and for a short period of time where the risk of harm was reasonably perceived at the time be low; and actions found to have been appropriate physical contact in classes such as sport and drama.

11.7 **Sexual misconduct** includes a range of behaviours or a pattern of behaviour

aimed at the involvement of children in sexual acts. Some of these behaviours may include:

11.7.1 inappropriate conversations of a sexual nature;

11.7.2 comments that express a desire to act in a sexual manner;

11.7.3 unwarranted and inappropriate touching;

11.7.4 sexual exhibitionism;

11.7.5 personal correspondence (including electronic communication) with a child in respect of the adult's feelings for a child;

11.7.6 deliberate exposure of children to sexual behaviour of others including display or pornography;

11.7.7 possession of child pornography in the workplace;

11.7.8 **grooming behaviour**

11.8 **Staff** and **member of staff** include any School employee and any individual engaged by the School to provide services to its students (even as a volunteer, bus driver, office staff, student teacher, private tutor or contractor).

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