

	<p align="center">Worawa Aboriginal College Policy and Procedure</p> <p align="center">Title: Child Protection and Managing the Risk of Child Abuse Policy</p>
<p>Issue Date: June 2016</p>	<p>Authorised By: Executive Director</p>
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1. CHILD PROTECTION POLICY

1.1. Introduction

All schools are required to implement the Child Safe Standards and the mandatory reporting guidelines from the Victorian Government's amendment to the *Children, Youth and Families Act 2005* (Vic) (“**CYFA**”).

Worawa Aboriginal College has zero tolerance for child abuse and is committed to promoting and protecting the safety and wellbeing of all children.

Everyone working at the College is responsible for the care and protection of children and reporting information about child abuse.

1.2. Purpose

The purpose of this Policy is to:

- a) Promote a culture of child safety and prevent child abuse within the College;
- b) Ensure that all parties are aware of their responsibilities for preventing child abuse; and
- c) Provide guidance on action that should be taken where a person suspects any child abuse within or outside of the College.

1.3. Scope

This Policy applies to all employees, volunteers, contractors, board members, sponsors and partners of the College, whether they work face-to-face, online or remotely with children.

1.4. Guiding Principles

This Policy is based on the following principles:

- a) The College has zero tolerance for child abuse;
- b) The best interests of the child are paramount;
- c) Child protection is a shared responsibility;
- d) All children have a right to feel safe and be safe at school, and have equal rights to protection from abuse;

- e) The College will consider the opinions of students and use their opinions to develop child protection policies and procedures;
- f) The College is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for students living with a disability;
- g) Everyone covered by the Policy must also comply with the College's Code of Conduct, which sets stringent standards for personal behavior.

1.6. Recognising child abuse

Child abuse may be divided into four categories: physical abuse, sexual abuse, emotional and psychological abuse and neglect (a child is legally defined as a person under the age of 17 years):

- a) **Physical abuse:** Physical abuse is any form of non-accidental physical injury, injury or violence which results from willful or neglectful failure to protect a child;
- b) **Sexual abuse:** Sexual abuse is when a child is used by another person for his or her gratification or sexual arousal or for that of others (this includes grooming behaviour);
- c) **Serious emotional and psychological abuse:** Emotional and psychological abuse is when a child has suffered or is likely to suffer emotional or psychological harm of such a kind that the child's emotional or 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 of that type;
- d) **Neglect:** Neglect is an omission, where the child suffers serious harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care.

1.5. Roles and Responsibilities

Fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

- a) **Deputy Principal: Head of Learning and Teaching**
The Deputy Principal: Head of Learning and Teaching will receive professional development in relation to the seven standards relating to child safety.

The Deputy Principal: Head of Learning and Teaching is responsible for ensuring that teaching staff and volunteers are adequately trained in matters relating to child safety including grooming, and mandatory reporting requirements.

- b) **Well-Being Coordinator**

The Well Being Coordinator will ensure that adequate records are maintained on reportable issues and report to the Executive Director/Principal.

1.9 Reporting obligations

a) Mandatory reporting obligations

The CYFA requires certain professionals to make a report to the Department of Health and Human Services when, in the course of their position or employment:

- a) they form a **belief on reasonable grounds** that a child is in need of protection because the child has suffered, or are likely to suffer, significant harm as a result of **physical injury or sexual abuse**; and
- b) the child's parents or caregiver have not protected, or are unlikely to protect, the child from harm.

At the College, **mandatory reporters** include the principal, registered teachers, nurses, youth and child welfare workers and registered psychologists (**Mandatory Reporters**).

Mandatory reporters are required by law to notify the Department of Health and Human Services ("**DHHS**"), as soon as practicable after forming such a belief, and after each occasion on which they become aware of any further reasonable grounds for the belief.

It is **not** mandatory to report emotional and psychological abuse or neglect, but you are at liberty to do so.

1.9.3 Reasonable Grounds for Belief

You have reasonable grounds to notify when:

- a) a child tells you that he/she has been physically or sexually abused;
- b) a child states that they know someone who has been physically or sexually abused (sometimes the child is talking about themselves);
- c) someone else, such as a relative, friend, acquaintance or sibling of the child, tells you that a child has been abused;
- d) your observations of the child's behaviour or knowledge of children lead you to believe that the child has been abused; or
- e) you observe physical signs or indicators of abuse (e.g. bruises, cuts etc.).

Voluntary reporting

In addition to the mandatory reporting obligations above, **any person** who believes on reasonable grounds that a child is in need of protection from child abuse, may disclose that

information to the Police or the DHHS. If a person would like internal guidance or support with addressing their concerns, they are encouraged to speak with the Well Being Coordinator.

The College supports and encourages staff and associates to make a report to the Police or the DHHS if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

Reporting child sexual abuse

Any adult who receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation under the *Crimes Act 1958 (Vic)* is 3 years imprisonment.

You should also contact the police if you have a concern that a sexual offence has been committed against a child outside of Victoria.

If a staff member or associate is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they should speak to the Principal for guidance and information. Ultimately, it is a personal decision of the staff member or associate whether they choose to make a report to an external authority or not.

If an allegation is made against a member of staff or volunteer, the Principal will follow the reporting procedure and take all steps to ensure that safety of the child is paramount. An initial step will involve the withdrawal the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during the investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.

1.10 Prevention

Recruitment

The College undertakes a comprehensive recruitment and screening process for all employees, volunteers and contractors which aims to:

- a) promote and protect the safety of all children at the College;
- b) identify and recruit the safest and most suitable candidates who share the College's values and commitment to protect children; and
- c) prevent a person from working at the College if they pose an unacceptable risk to children.

All employees, volunteers and contractors engaged by the College as classroom teachers must be registered with the Victorian Institute of Teaching, which includes Working with Children Checks ("WCC") and Police checks. Teachers must provide evidence of such registration before they commence employment, and are informed of the College's Child Protection Policy, Code of Conduct and Procedure within their Letter of Appointment.

All non-teaching employees, volunteers and contractors engaged at the College are required to have a current WCC prior to being engaged by the College. The College’s Office Manager records all WCCs on a spreadsheet that is checked annually to see who requires a renewal.

The College will conduct thorough reference checks to ensure the suitability of all candidates prior to their engagement. Once engaged, workers and volunteers must review and acknowledge their understanding of the Child Protection Policy, Code of Conduct and Procedure.

Communication

The College is pro-active in the area of prevention and will communicate the Child Protection Policy, Code of Conduct and Procedure in the manner below. The Office Manager, with the assistance of the Well Being Coordinator and the Deputy Principal - Head of Learning and Teaching, is responsible for disseminating and communicating the Child Protection Policy, Code of Conduct and Procedure in the manner below.

STUDENTS	PARENTS, GUARDIANS, COMMUNITY, SPONSORS, PARTNERS	EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARD MEMBERS
<ul style="list-style-type: none"> • Conditions of enrolment • Website • College assemblies • Student Wellbeing Program 	<ul style="list-style-type: none"> • Conditions of enrolment (Parents will receive a hard and electronic copy) • Website • Parent information form • College newsletter 	<ul style="list-style-type: none"> • Website • Letters of appointment/ contracts • New employees, volunteers, contractors and board members Induction Training and refresher training • Professional Development

1.11 Responding & Reporting

In the case of an allegation being made against an employee, volunteer and/or contractor at the College, the Deputy Principal - Head of Learning and Teaching will inform the Principal to implement the College’s Child Protection Procedure. The College will take all steps to ensure that the safety of the child is paramount.

The first step is to withdraw the accused person from active duty, which could entail standing down (with pay, where applicable), re-assignment to other duties that do not have direct contact with children, or to work under increased supervision while the matter is being investigated.

Case Management

In the event of a child disclosing an incident of abuse to someone they trust, it is essential that it is dealt with sensitively and professionally.

Investigations

The Principal with the assistance of the Well-being Coordinator will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

All people covered by the Child Protection Policy must co-operate fully with any investigation by DHHS, the police or the College.

The Principal will make every effort to keep any such investigation confidential; however, from time to time other employees, volunteers and contractors may need to be consulted in conjunction with the investigation (e.g. to provide witness statements).

The outcome will depend on the findings of the investigation, but may include withdrawal from active duty, re-assignment to duties with no contact with children, increased supervision, disciplinary action, dismissal or criminal prosecutions.

1.12 Record keeping

All reports of alleged abuse or harm, or risk thereof, must be recorded in the form of an Incident Report. Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable. Reports must be to be securely stored by the Principal.

1.13 Privacy and Confidentiality

Principles

There are two guiding principles in respect to a child's privacy.

- a) First, the College will operate on the best interests principle. All employees, volunteers and contractors will do what they believe to be in the best interest of the child. This principle supersedes all others.
- b) Second, the College will respect a child's right to privacy except in situations where it conflicts with the best interests principle.

As much as is reasonably possible, an individual's right to privacy is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to privacy. Where there is suspected abuse or misconduct, employees, volunteers and contractors must not disclose or make use of the information in a manner that breaches confidentiality, other than to report and act consistent with the Child Protection Policy and Procedure, and relevant statutory requirements.

At all times, the Child Safe Standards of the Victoria Registration and Qualifications Authority ("VRQA") must be observed and acted upon. This Publication is included with this Policy.

1. CODE OF CONDUCT

1.7. Introduction

Any form of abusive, derogatory, discriminatory, offensive or intimidating behaviour or language by adults towards children, or children towards other children, is not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are negatively and unreasonably critical of a person's culture, ethnicity, language, gender identity, disability, sexuality or age, are unacceptable.

Management, employees, volunteers and contractors at the College are required to abide by this Code.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour.

1.8. Acceptable behaviours

All people involved in the care of children on behalf of, or in connection with, the College must:

- a) Conduct themselves in a manner consistent with their position as an employee, partner, volunteer or contractor of the College and as a role model to children;
- b) Adhere to the Child Protection and Managing the Risk of Child Abuse Policy and uphold the College's statement of commitment to child safety at all times;
- c) Take all reasonable steps to protect children from abuse;
- d) Work towards the achievement of the aims and purposes of the College;
- e) Treat all people with respect and be open to and accepting of diversity and difference in people's backgrounds, work style and personal preferences;
- f) Promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children (for example, by never questioning an Aboriginal and Torres Strait Island child's self-identification);
- g) Promote the safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- h) Promote the safety, participation and empowerment of children with a disability;
- i) Listen and respond to the views and concerns of children, particularly if they are telling you that they are or another child has been abused or that they are worried about their safety/the safety of another child;
- j) Ensure (as far as practicable) that adults are not alone with a child;
- k) Raise concerns, issues or problems about suspected abuse and child safety issues with the Well Being Coordinator;
- l) Record and act upon all allegations or suspicions of abuse, discrimination or harassment;
- m) Respect confidentiality when sharing information about children in accordance with the Child Protection Policy and your reporting obligations;
- n) If an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe;
- o) Establish and maintain a child-safe environment in the course of their work;
- p) Be professional in their actions;
- q) Will only use the showering facilities dedicated to them and not those dedicated to the children;
- r) Be fair, considerate and honest with others;
- s) Maintain strict impartiality; and

- t) Contact the police if a child is at immediate risk of abuse (telephone 000).

1.9. Unacceptable behaviour

All people involved in the care of children on behalf of the College must not:

- a) Spend time alone with a child in a closed room without visual access, particularly overnight (unless the child is a member of your family or the person caring for the child is a professional such as a Well-being-coordinator);
- b) Take a child to their home or encourage meetings outside program activities (unless the child is a member of your family);
- c) Engage in rough physical games, hold, massage, kiss, cuddle or touch children for a purpose other than Aboriginal cultural healing, in an inappropriate or unnecessary manner, and or/a culturally insensitive way;
- d) Practice favouritism when building relationships with children;
- e) Speak to a child in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
 - i. Swearing in the presence of a child;
 - ii. Yelling at a child, except in an emergency situation where the a child's safety may be in danger;
 - iii. Dealing with a child while the adult is angry with the child ; and
 - iv. Use of hurtful sarcasm.
- f) Use, possess, or be under the influence of illegal drugs while in the presence of a child;
- g) Use, possess, or be under the influence of alcohol while supervising a child;
- h) Provide or allow a child to consume alcohol or illegal drugs;
- i) Express personal views on cultures, race or sexuality in the presence of a child (unless the child is a member of your family);
- j) Engage in any sexually oriented conversations with a child unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues;
- k) Discuss sexual activities with a child unless it is a specific job requirement and the person is trained to discuss these matters;
- l) Be naked in the presence of a child (unless the child is a member of your family);
- m) Possess sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.);
- n) Have any online contact with a child (including by social media, email, instant messaging etc.) or their family (unless necessary e.g. by providing e-newsletters, assisting students with their school work, or the child is a member of your family);

- o) Initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves e.g. help a child shower or go to the toilet (unless the child is a member of your family and you comply with all relevant legislation);
- p) Sleep in the same bed, sleeping bags or tent with a child (unless the child is a member of your family); and/or
- q) Engage in sexual contact with a child. For the purposes of this Policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or breasts/chest) for the purpose of sexually arousing or gratifying either person.

1.10. Physical Contact / Touching

The College exercises a holistic approach to supporting the physical, educational, cultural and emotional needs of a child, and considers that physical contact and touching is an important part of Aboriginal cultural practices. However any physical contact with a child must be lawful, appropriate (taking into consideration all relevant factors e.g. whether the physical contact is public, supervised and for a culturally appropriate purpose) and conducted in a professional manner.

All teachers are required to follow the Victorian Institute of Teaching's ("VIT") Code of Conduct. Example:

- a) *Principle 1.2: Teachers treat their students with courtesy and dignity:*
 - i. work to create an environment which promotes mutual respect;
 - ii. model and engage in respectful and impartial language;
 - iii. protect students from intimidation, embarrassment, humiliation or harm.

Employees, volunteers, and contractors are prohibited from using physical discipline in any way for behaviour management of children. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children.

Physical contact may be required in an emergency situation to remove children quickly from danger or threat of danger.

Appropriate contact between employees, volunteers, contractors, and children is part of normal human relationships. Some considerations and guidelines include the following:

- a) Consider whether physical contact is exercised for Aboriginal cultural or healing purposes in an open environment with visual access (e.g. when comforting a child in relation to Sorry Business, when a child is missing home, or has experienced trauma);
- b) Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child;
- c) Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements;

- d) Be alert to cues from children about how comfortable they are in your proximity and respect their need for personal space;
- e) Be sensitive when interacting with children who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex;
- f) Be aware of cultural norms that may influence the interpretation of your behaviour;
- g) Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance;
- h) Physical contact should be made in a way that makes children feel comfortable, for example, shaking hands, a congratulatory pat on the back or rub on the side of their arm for reassurance;
- i) The use of images of children as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of children must be for educational or professional purposes;
- j) Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child and having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes;
- k) Obtain permission from the College and parents when meeting with students for activities outside of school hours;
- l) The provision of your personal contact details should be subject to permission from the College justified in terms and will generally be for an ;
- m) It is not appropriate for employees, volunteers and contractors to initiate out of hours contact with a child unless it is in the context of an emergency or where the child is unavailable during work hours.

The College has invested in a professional wellbeing team who bring appropriate qualifications in addressing the mental, physical, spiritual and emotional needs of students.

The College's Policy on Anti-bullying, Harassment and Discrimination also addresses physical contact.

1.11. Transportation and off-site events

Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children without written permission of the Principal.

It is prohibited to have unnecessary and/or inappropriate physical contact with children while in vehicles.

Children should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.

It is prohibited to have children spend the night at the residence of an employee, volunteer or contractor without parental/guardian prior approval.

1.12. Confidentiality

Disclosing Information to Employees, Volunteers and Contractors

When children are having a written or verbal interaction with employees, volunteers and/or contractors of the College, that interaction is confidential to the organisation not to the individual. An employee, volunteer or contractor is able to talk with the Deputy Principal – Head of Learning and Teaching, the Well Being Coordinator and the Principal in a way that identifies the child. That said, where possible the privacy of the child should be respected at all times. When considering breaching their privacy who and how many people are told should be based on what is believed to be in the best interests of the child.

Disclosing Information to People External to the Organisation

Employees, volunteers and contractors should not discuss confidential matters about children with people outside the organisation in a way that identifies that child except when they have the express permission of the child or it complies with the College's Child Protection Procedure. In circumstances where employees, volunteers and/or contractors believe that there is not enough knowledge within the organisation to provide the best possible assistance to a child, they are able to seek expertise external to the college. In these cases the College has an MOU with health agencies that provide professional support services. When communicating with people outside the college the child's identity should be protected.

Informing Children

It is the responsibility of the Well Being Coordinator to communicate the limits of confidentiality in the College to children who are likely to have an ongoing relationship with the College. These guidelines should be published in an accessible place for children.

1.13. Related legislation

- a) *Children, Youth and Families Act 2005* (Vic);
- b) *Crimes Act 1958* (Vic)
- c) *Education and Training Reform Act 2006* (Vic); and
- d) *Victorian Institute of Teaching Act 2001* (Vic).

Department of Health and Human Services Child Protection – North-eastern rural and regional office 1300 360 391 – After hours 131 278

Child Protection Crisis Line – 24 Hours, seven days a week. Telephone: 13 12 78

2. CHILD PROTECTION PROCEDURE

This Procedure applies to all employees, volunteers, contractors, and board members of the College, whether they work face-to-face, online or remotely with children. It should be read in accordance with the Child Protection Policy and Code of Conduct.

Step 1:

When a “Mandatory Reporter” forms a belief, on reasonable grounds, that a child is in need of protection because they have suffered, or are likely to suffer, significant harm due to physical injury or sexual abuse, they must make a report to the Department of Health and Human Services (“DHHS”) as soon as practicable. The individual employee, volunteer, contractor of the College should discuss these observations and concerns with the Well Being Coordinator and the Deputy Principal: Head of Learning and Teaching, who can assist the person to make the report to DHHS as required. **Any person** that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), **may** disclose that information to the Police or the DHHS. The College encourages all persons with concerns to raise this directly with the Well Being Coordinator.



Step 2:

It may be that, following the previous step, a person decides to make a report to DHHS with the support of the Well Being Coordinator.

Making a Report

Ring DHHS at the North-eastern rural and regional office on 1300 360 391. Ask for Child Protection.

Information for Making a Report:

- Name, age and address of student;
- The reason for suspecting that the behaviour or injury is a result of abuse;
- An assessment of the immediate danger to the student;
- A description of the injury or behaviour observed;
- The current whereabouts of the student;
- Any other information about the family;
- Any specific cultural details, e.g. English speaking, disability, etc.

Ask that the College be informed of each step of the procedure.

Request that if an interview is to take place at the College the visiting police officer is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized. When the person informs the Well Being Coordinator that he/she is to make/has made a report, a Case Management Group that may consist of the Deputy Principal: Head of Learning and Teaching, the Well Being Coordinator and the Principal will be set up to discuss the matter and to offer support to the student and reporter. If the complainant alleges that a crime has been committed by an employee, volunteer, board member or contractor, that person will be stood aside immediately. The Deputy Principal: Head of Learning and Teaching will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.



Step 3:

If the student is agreeable to be interviewed by DHHS or the police, the Well Being Coordinator or the Deputy Principal: Head of Learning and Teaching should offer to be present at the interview to give support to the student.



Step 4:

Following a report, DHHS may need to contact the Principal about the notification. It would be a matter of courtesy to inform the Principal that a report has been made, or is about to be made.



Step 5:

Following a report, it is important to protect confidentiality and the interests of the child and family at all times.

Special comments:

- DHHS will only interview the student if she is agreeable;
- The family will not be contacted until it is believed there is a case and the student is at risk;
- If the incident which caused the report to be made has occurred in the past - the student may be seen to be no longer at risk and no further action may be taken;
- The identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged. Such confidentiality should also be requested by the Well Being Coordinator and any other person who may become aware that a notification is to be, or has been, given;
- Throughout the entire process of observation, discussion and reporting, the interests of the student and their family should be protected from unnecessary disclosure of information concerning abuse;
- Following the making of a report to the DHHS, any investigation that takes place is the responsibility of DHHS.