



## Covenant College

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### CHILD SAFE POLICY

#### Intent

Covenant College and Covenant College Kinder believe that all children have the right to physical and emotional safety in all School and Kinder environments, both physical and online, and therefore seeks to uphold both Scriptural precepts and the laws of Australia with regard to child safety and protection. For the purpose of clarity in this policy, the use of the term Covenant College, refers to both the Kinder and the College and their respective responsibilities in regards to Child Safety.

Covenant College is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. All School and Kinder staff at Covenant College are responsible for the care and protection of children and reporting information about child abuse. It is imperative that this policy be read and understood in conjunction with these additional Covenant College policies; the Mandatory Reporting Policy; the Reportable Conduct Scheme Policy, and the Community Code of Conduct Policy.

#### Policy proper

The purpose of this policy is:

- To work towards and ensure an organizational culture of child safety
- To prevent child abuse within the Covenant College and the Covenant College Kinder communities
- To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs
- To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organization
- To provide a clear statement to staff/volunteers/contractors/parents forbidding any such abuse
- To provide assurance that any and all suspected abuse will be reported and fully investigated
- To ensure our duty of care obligation is fulfilled.

#### **Duty of Care Obligations**

As a Covenant College employee you have a duty to take reasonable steps to protect children under your care and supervision from harm that is reasonably foreseeable (this applies to *ALL* school employees).

The question of what constitutes “reasonable steps” will depend on the individual circumstances of each case. You may breach your duty of care towards a student if you fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected child abuse, reasonable steps may include (but are not necessarily limited to):

- Acting on concerns and suspicions of abuse as soon as practicable
- Seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- Reporting the suspected child abuse to appropriate authorities such as the Victoria Police and DHHS Child Protection
- Assisting the Child Safe Team in arranging counselling and/or other appropriate welfare support for the child
- Providing ongoing support to the child in partnership with the Covenant College Child Safe Team
- Sharing information with other school based staff who will also be responsible for monitoring and providing on-going support to the child.

It is important to ensure that you fulfil your duty of care obligations for all children who are involved in, or affected by, suspected child abuse.

Duty of care also extends to students who are:

- *Aged 17 years and over.* In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the correct process for child abuse reporting. Whilst DHHS Child Protection work with children under 17 they can still be contacted with concerns relating to students 17 and over for referral and advice.
- *Involved in student sexual offending.* You have a duty of care towards all students involved in student sexual offending, including the alleged victim, assailant and any other students in the school who may have witnessed and/or been affected by the abusive behaviour.

From July, 2017, there will be an amendment to the *Wrongs Act* that will impose new duty of care parameters in order to prevent child abuse. The *Part XIII: Organisational liability for child abuse* change will mean that under **Section 91 Liability of Organisations**, a “relevant organisation” owes a duty to take the care that in all circumstances of the case is reasonable to prevent the abuse of a child by an *individual associated with the relevant organisation* while the child is under the care, supervision or authority of the relevant organisation”.

An individual associated with the relevant organisation is defined as any employee, volunteer, board member or contractor of the organisation.

Under this new change, if a school is involved in a claim under Section 91, it is presumed to have breached duty of care unless it proves, on the balance of probabilities, that it took *reasonable precautions* to prevent the abuse. This is known as the reverse onus of proof.

### **Mandatory Reporting**

There are certain classes of professionals, who are classified as ‘mandatory reporters’. Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including Principals)
- Staff who have been granted permission to teach by the VIT
- Registered doctors and nurses.

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

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

It is a criminal offence not to report in these circumstances.

### **New Criminal Offences**

In response to the *Betrayal of Trust Report*, the Victorian Government has introduced new criminal offences to protect children from sexual abuse. Under these reforms a failure to report, or take action in relation to suspected child sexual abuse can now constitute a criminal offence, including a:

- **Failure to disclose**

This offence applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age and fail to report this information to the Victoria Police.

*Failing to disclose a sexual offence based on concerns for the interests of the perpetrator or organisation (e.g. concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.*

- **Failure to protect**

This offence applies to a person in a position of authority within an organisation who: knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractors, volunteer, visitor); and negligently fails to remove or reduce the risk of harm.

*Within Covenant College, a position of authority includes Principals, the Leadership team and the Child Safe Team.*

### Related documents

- Ministerial Order 870
- Mandatory Reporting Policy
- Privacy Policy
- Community Code of Conduct Policy
- Recruitment & Selection Policy & Procedure
- Reportable Conduct Scheme Policy

For further information on these offences, please refer to:

*Failure to Protect offence:* <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>

*Failure to disclose offence:* <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Government's responses to the recommendations of the *Betrayal of Trust Report*: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children>

### **Ministerial Order NO. 870 - CHILD SAFE STANDARDS**

All Victorian schools must comply with the new *Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools* in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA). The Order comes into effect on 1 August, 2016 and specifies how every Victorian school must:

- Embed a culture of 'no tolerance' for child abuse
- Comply with the prescribed seven minimum child safe standards.

In meeting the requirements of *Ministerial Order No. 870*, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

### **Definition of Child Abuse**

Child abuse includes:

- a) Any act committed against a child involving-
  - i) a sexual offence; or
  - ii) an offence under section 49B(2) of the *Crimes Act 1958* (grooming); and
- b) the infliction, on a child of-
  - i) physical violence; or
  - ii) serious emotional or psychological harm; and
- c) serious neglect of a child

Child safety encompasses all 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 incidents or allegations of child abuse.

## Procedures

### **Principles**

Covenant College believes that *all* children have equal rights to protection from abuse.

Covenant College is committed to promoting and protecting at all times the best interests of children involved in its programs. This includes programs or activities taking place in all Covenant College School and Kinder environments; meaning any place, physical or virtual, made available or authorized by the school governing authority for use by a child during or outside school hours.

Covenant College has zero tolerance for child abuse. All school and Kinder staff at Covenant College are responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between Covenant College, all employees, workers, contractors, associates and members of the Covenant College community.

Covenant College supports and respects all children, staff and volunteers. Covenant 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 children living with a disability.

Covenant College recognizes and respects that cultural differences and variations in child rearing practices due to a family's personal, cultural or religious beliefs do exist, and as such the College is committed to communicating openly and honestly to find out how best to be inclusive and respect diverse cultural needs.

Covenant College recognizes that all children are vulnerable but some children need special care and protection to ensure they are safe, the College recognizes that children with a disability have an increased risk of being abused. Covenant College seeks to make sure students with a disability know who they can go to if they feel unsafe or have a concern or complaint, and to make sure these processes take into account the child's development level and communication requirements.

### *Responsibilities*

The Board of Covenant College has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Student Code of Conduct, as well as the the Community Code of Conduct, are in place.

The Principal of Covenant College is responsible for:

- Liaising directly with the relevant authorities seeking guidance in regards to the school's response to the alleged claim/report of child abuse (if it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies the person concerned may be stood down, with pay if applicable, while an investigation is occurring);

The Principal of Covenant College and the Covenant College Child Safe Team (CST) are responsible for:

- Ensuring that all staff, contractors, and volunteers are aware of the relevant laws, organizational policies and procedures, and the organisation's Code of Conduct
- Ensuring that all adults within the Covenant College community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures

- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Community Code of Conduct (particularly as it relates to child safety)
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities
- Maintaining confidentiality, yet reporting volume and type of incident if it occurs.

The Covenant College Child Safe Team includes the College appointed Child Safe Representative, the Business Manager, the Principal, the Vice Principal, the Assistant Principal/Privacy Officer and the student welfare team. In conjunction with the Principal, the Child Safe team is responsible for driving the organizational culture in regards to child safety and ensuring a child safe environment for all Covenant College students, including those students enrolled at the Kinder.

The role of the Child Safety Representative (CSR) at Covenant College is to provide a central person for the school community to contact when they have any queries, concerns or allegations to do with matters of child abuse. The CSR *is not the only* person that can be consulted on child abuse matters at the College. All members of the Child Safe Team and Leadership team are able to respond appropriately, however Covenant College believes that appointing a central person as the representative for child safety at the school will assist the whole community in being aware of a particular person that they could refer to should they have concerns.

The CSR role will include facilitating and delivering the appropriate education for the Covenant College student body in regards to ensuring that all students have:

- An understanding of the Covenant College Student Code of Conduct
- An understanding of what constitutes healthy and respectful relationships with both their peers and adults
- An understanding of what child abuse is and how to seek help if required.

The CSR role is important in empowering the student voice and ensuring that all students feel respected and heard on issues such as child abuse.

Alongside the Principal, the CSR will play a fundamental role in initial response and care plans undertaken for students who have disclosed abuse or are the subject of an allegation.

**Please ring (03)5278-5122 to make contact with the Covenant College CSR.**

In addition to the Child Safety Team and Principal, all leadership team members and coordinators at Covenant College also have an important role to play, ensuring that they:

- Promote child safety at all times
- Assess the risk of child abuse within their area of control and eradicate/minimize any risk to the extent possible
- Educate employees about the prevention and detection of child abuse and
- Assist in facilitating the reporting of any inappropriate behavior or suspected abusive activities.

All leadership team members and coordinators should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

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

- Familiarise themselves with the relevant laws, Code of Conduct, and Covenant College's policy and procedures in relation to child protection, and comply with all requirements

- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the state-based child protection service) and fulfill their obligations as mandatory reporters
- Report any suspicion that a child's safety may be at risk to their HOS/Coordinator or Principal (or, if their HOS/Coordinator or Principal is involved in the suspicion, to a responsible person in the organization) and
- Provide an environment that is supportive of all children's emotional and physical safety.

### Definitions

*Child* means a person below the age of 18 years unless, under the law applicable to the child, majority is maintained earlier. In Victoria the Law states that a person aged 17 years and under is considered to be a child.

*Child protection* means any responsibility, measure or activity undertaken to safeguard children from harm.

*Child abuse* refer to the definition on page 3 of this policy.

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

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

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

- The child is in need of protection
- The child has suffered or is likely to suffer 'significant harm as a result of physical injury' and
- The parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

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

**\*PLEASE REFER TO THE COVENANT COLLEGE 'MANDATORY REPORTING POLICY'** for explicit information on how to make a report to the relevant authorities as well as important information about providing support and protection to a child at risk of child abuse, or a child who has made a disclosure. In addition to this, there is also important information detailing procedures about recording and retaining any child abuse allegation information and the Kindergarten/school's response/action taken in regards to the allegation.

All school staff (including volunteers and contractors) who believe on reasonable grounds that a child or young person is in need of:

- Protection from physical harm or physical abuse-must report their concerns to DHHS Child Protection on 1800-075-599 or (03)5226-4540 OR ring Victorian Police on 000
- Protection from harm that is not believed to involve physical harm or sexual abuse-are encouraged to report their concerns to DHHS (# as above) or Child FIRST on 1300-551-948

It is important to note that whilst College staff are encouraged to always discuss concerns of child abuse with the Principal, or members of the Leadership or the Child Safety Team; following these practices DOES NOT discharge or displace in any way, the staff member's own responsibility and legal obligation to make a report to the relevant authorities should they develop a belief on reasonable grounds that a child is being abused.

In addition to reports made by mandated reporters, it is important to note that *any person* (volunteer, contractor or otherwise) is able to make a report to DHHS Child Protection that a child is in need of protection under the *Children, Youth and Families Act 2005 (Vic.)* CYFA.

Whilst mandated reporting under the CFYA relates specifically to physical and sexual abuse, the Child Safe standards also include the need for all staff to monitor and report any child abuse (in addition to physical and sexual) occurring against students, including physical violence, grooming, emotional neglect, psychological harm and serious neglect of a child. If you have any concerns relating to child abuse of the above nature, you should make a report to DHHS if you have formed a belief on reasonable grounds that a child requires protection, and you should seek consultation with the Covenant College Principal or Child Safe Representative.

### **Employment of New Personnel**

Covenant College undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organization
- Ensure that any applicants for jobs that involve child-connected work for the kindergarten/school must be informed about the College's child safe practices including the Community Code of Conduct
- Identify the safest and most suitable people who share Covenant College's values and commitment to protect children and
- Prevent a person from working at Covenant College if they pose a risk to children.

Covenant College requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Covenant College.

All persons who engage or are intended to engage in work for Covenant College that involves direct contact (which includes physical, face to face, post, written, telephone, oral, email, or electronic communication) with a child/student must hold a current Working With Children Check.

Persons applying for a role as a teacher with Covenant College must be registered with the Victorian Institute of Teaching. All employment applications sent out to prospective employees will be accompanied by a copy of Covenant College's Child Safe Policy and the Mandatory Reporting Policy. This is done to ensure from the outset that any potential employee understands that child safety is foremost in importance at Covenant College.

Covenant College may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Covenant College and during their time with Covenant College at regular intervals.

Covenant College will undertake thorough reference checks as per the approved internal procedure.

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy. The dissemination of this information will occur in a formal induction session managed by the Business Manager and the Assistant Principal. All staff (paid and voluntary) involved in child-connected work at Covenant College will be inducted on Child Safety, including a familiarization and ensuring of understanding of the Child Safe Policy and the Mandatory Reporting Policy.

The Leadership team and coordinators at Covenant College will assist the College Board and Principal in continuing to assess and monitor a job occupant's continued suitability for child-connected work. This is to be done through the provision of a mandated semester staffing review (twice a year) where all leadership members and coordinators undertake an audit on the staff (both employed and voluntary) in their related area of responsibility in regards to child safety. Any concerns or issues should immediately be reported to the Principal or Child Safe Team, but should not be dependent on the timing of the review to make a report. This can and should be done at any time, should concerns arise about the suitability of a person involved in child-connected work.

### **Risk Management**

Covenant College will ensure that child safety is a specific feature of its risk management. A specific Child Safe Risk Management Register is in operation with the purpose of identifying all areas of possible risk of harm to children, specifically in the area of child abuse as defined in this policy. The Register exists to firstly identify potential risk and then to formulate and enact strategies to reduce or remove the risk. The Register allows for the delegation of specific responsibility to a designated staff member for the response/strategy action. The Register is to be reviewed monthly by the Child Safe team, however a review is possible at any time, and is mandated should an incident occur involving the allegation/disclosure of child abuse in any Covenant College school or Kindergarten environment.

**\*PLEASE SEE THE COVENANT COLLEGE CHILD SAFE RISK MANAGEMENT REGISTER POLICY FOR FURTHER INFORMATION RELATING TO RISK MANAGEMENT IN THIS AREA.**

### **Reporting**

Any staff member, volunteer or contractor who has reasonable grounds to suspect abusive activity is responsible to notify the appropriate child protection service or the police. It is also encouraged that they should also advise the Principal or another CST or leadership member about their concern.

In situations where a senior or executive staff member is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of authority, the Principal or the Board.

Leadership and the Child Safe Team, in particular the CSR, must report complaints of suspected abusive behavior or misconduct to the Principal and also to any external regulatory body such as the Police.

In addition to this, the new Reportable Conduct Scheme (RCS), created under the *Child Wellbeing and Safety Act 2005*, stipulates that schools must report allegations of misconduct to the Victorian Commission for Children and Young People (the Commission). The Commission then has the power to share information it obtains under the Reportable Conduct Scheme to other organisations including the Working with Children Check Unit and the Victorian Institute of Teaching. The RCS has been designed to complement Mandatory Reporting obligations under the *CYFA Act 2005* and operate in conjunction with the Child Safety Standards created under the *Child Wellbeing and Safety Act*. Please see Covenant College's Reportable Conduct Scheme Policy for more information about these changes.

\*PLEASE SEE THE COVENANT COLLEGE 'REPORTABLE CONDUCT SCHEME POLICY' and the 'MANDATORY REPORTING POLICY' FOR FURTHER INFORMATION ON REPORTING CHILD ABUSE.

### **Responding**

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

If the Principal concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organization. The findings of the investigation will also be reported to any external body as required.

### **Investigating**

If the appropriate child protection service or Police decide to conduct an investigation of a report, all employees, contractors and volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the Principal will consult with authorities to determine whether an internal investigation is appropriate and what response is required by the school. All employees, contractors and volunteers must co-operate fully with the investigation.

If the Principal is both required and advised by authorities to undertake further internal investigation, every effort shall be made to keep any such internal investigation confidential. However, it may be necessary for other members of staff to be consulted in conjunction with the investigation.

The Principal shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

### **Privacy**

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

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

### **Reviewing**

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

Policy History

<b>Date of Creation / Amendment</b>	<b>Policy version #</b>	<b>Notes</b>
1 May 2017	Version 1.0	<ul style="list-style-type: none"><li>• Policy reviewed for CompliSpace platform.</li></ul>