

# St Ambrose Parish School Child Protection Law & Regulations In Victoria (An Overview)

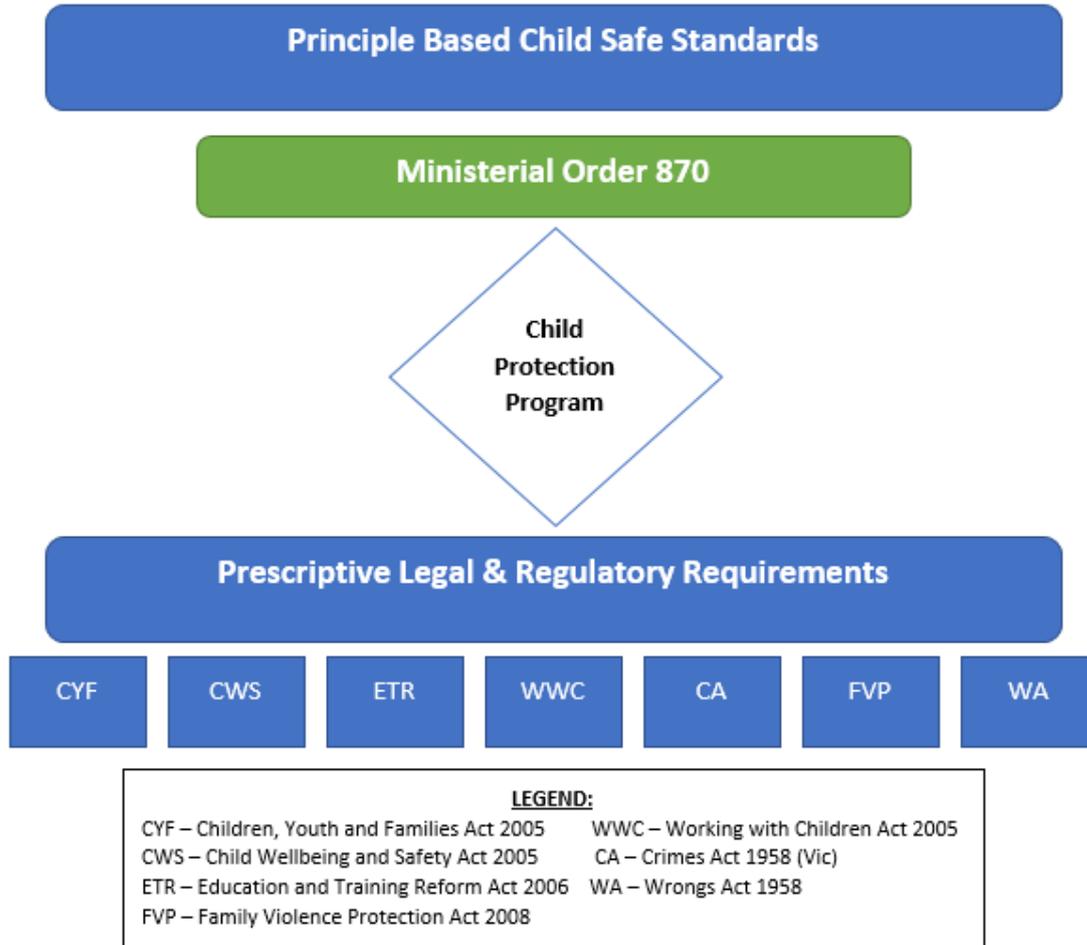
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The legal and regulatory framework for child protection in Victoria is made up of a complex web of laws, regulations and guidance notes.

This diagram and the commentary below provides an overview of the framework.

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## Victoria's Child Protection Framework Overview



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### **Victorian Child Safe Standards**

At the top of the diagram are the **Victorian Child Safe Standards**. These Standards are designed to improve the way all organisations that provide services to children, including schools, prevent and respond to child abuse. These Standards are 'principle based' laws which means that, whilst they have the force of law, how the Standards are applied in practice is open to interpretation and will depend largely on the size, nature and complexity of the organisation that is seeking to comply with the Standards.

To provide a higher level of guidance for schools the Minister of Education has published Ministerial Order No. 870 under the Education and Training Reform Act 2006 that contains requirements that all registered schools must meet to comply with each of the Child Safe Standards.

The **next section** of this program sets out each of the Victorian Child Safe Standards and how we comply with each Standard at St Ambrose's Parish Primary School as required by the Minister of Education.

### **Prescriptive Legal & Regulatory Requirements**

At the bottom of the diagram there are six separate pieces of legislation that work together to make up the legal and regulatory framework for child protection in Victoria. They are in summary:

#### ***The Children, Youth and Families Act 2005***

The Children, Youth and Families Act has many functions including:

- establishing the "child's best interests" principle;
- regulation of community services and care providers;
- the management of child protection responses;
- children in need of therapeutic treatment if exhibiting sexually inappropriate behaviour; and
- promoting stability in care arrangements.

For the purpose of our Child Protection Program the Children, Youth and Families Act is important because it establishes obligations with respect to **Mandatory Reporting**.

#### ***Child Wellbeing and Safety Act 2005***

The Child Wellbeing and Safety Act is a companion piece of legislation to the Children, Youth and Families Act.

Its primary function is to provide for the establishment of various government bodies that oversee the Victorian child and family services system.

For the purpose of our Child Protection Program, the Child Wellbeing and Safety Act is important for three reasons:

- it provides the **Statutory Definition of Child Abuse**;
- it is the Act through which the **Victorian Child Safe Standards** are created; and
- it is the Act through which the **Reportable Conduct Scheme** in Victoria is established.

#### ***Education and Training Reform Act 2006***

From a child safety perspective the key functions of the Education and Training Reform Act are to:

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- require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher; and
- make compliance with the **Victorian Child Safe Standards** a requirement for registration of all Victorian schools.

### ***Working with Children Act 2005***

The Working with Children Act establishes a framework to screen the criminal records and the professional conduct of people who intend to work with or care for children.

People who are assessed as posing an unjustifiable risk to the safety of children will fail the Working with Children Check and the Act prohibits these people from working with children. The Act imposes penalties for schools and individuals that do not comply with the Act.

### ***Crimes Act 1958***

The Crimes Act in Victoria sets out a number of child protection related offences including those relating to indecent acts and persistent sexual abuse.

Of key relevance to the Victorian child protection framework are the offences of:

- **Grooming** - which targets predatory conduct designed to facilitate later sexual activity with a child.
- **Failure to Protect a Child** - which requires people in authority within a school to take action to protect children where they know that a person associated with the school poses a substantial risk of sexually abusing a child.
- **Failure to Disclose** – which applies to all adults, not just professionals who work with children, and requires them to report to the Police where they hold a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria.

### ***Family Violence Protection Act 2008***

The Family Violence Protection Act is designed to maximise safety for children and adults who have experienced family violence and forms a key part of the overall legal and regulatory framework for child protection in Victoria.

Critically the Act provides an extensive definition of “family violence” that includes behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour.

### ***Wrongs Act 1958***

The Wrongs Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in Victoria, as a result of negligence or fault. It is through this Act that child abuse victims may claim compensation for loss arising from child abuse.

Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. If the school is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.

Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the School’s risk management strategies in **Child Protection Risk Management** is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

It is important to note that the operation of section 91 is subject to section 5.4.10 of the Education and Training Reform Act which states that St Ambrose’s Parish Primary School will

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not have a duty relating to the care or control of a student while that student is employed under an approved work experience arrangement, structured workplace arrangement or an apprentice contract.

### **Our Child Protection Program**

In order to comply with the Victorian Child Safe Standards and Ministerial Order No. 870, as well as each of the seven separate pieces of legislation noted above, St Ambrose's Parish Primary School has established this Child Protection Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a child safe culture.

### **The Victorian Child Safe Standards**

The Victorian Child Safe Standards comprise seven (7) Standards and three (3) Principles. The seven (7) Standards are as follows:

**Standard 1:** Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.

**Standard 2:** A child safe policy or statement of commitment to child safety.

**Standard 3:** A code of conduct that establishes clear expectations for appropriate behaviour with children.

**Standard 4:** Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

**Standard 5:** Processes for responding to and reporting suspected child abuse.

**Standard 6:** Strategies to identify and reduce or remove risks of child abuse.

**Standard 7:** Strategies to promote the participation and empowerment of children.

In addition to the seven (7) Standards, the School is required to take into consideration the following three (3) Principles as part of our response to each Standard:

**Principle 1:** promoting the cultural safety of Aboriginal and Torres Strait Islander children;

**Principle 2:** promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds; and

**Principle 3:** promoting the safety of children with a disability.

To assist organisations interpret each of the Standards the Victorian Government has published a guide titled **An overview of the Victorian Child Safe Standards**.

In addition, the Minister for Education has published Ministerial Order No. 870 that prescribes certain matters with which registered schools in Victoria must comply as part of their registration requirements.

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St Ambrose's Parish Primary School has established and implemented our Child Protection Program in accordance with the Victorian Child Safe Standards.

The table below sets out each Standard with a summary of how we comply with that Standard.

Standard	Short Description	How St Ambrose's Parish Primary School Applies this Standard
1	Organisational culture of child safety, including through effective leadership arrangements	<p>St Ambrose's Parish Primary School complies with this Standard in a number of ways including:</p> <ul style="list-style-type: none"> <li>• the development of this Child Protection Program, our <b>Child Protection and Safety Policy</b> and <b>Child Safety Code of Conduct</b>;</li> <li>• the appointment of senior staff members as the School's <b>Child Protection Officers</b> who act as "<i>Child Protection Champions</i>" and are tasked with the overall responsibility for embedding an organisational culture of child protection in the School;</li> <li>• each Board member, staff member and Direct Contact Volunteer having to complete <b>Child Protection Training</b> which provides information with respect to key risk indicators of child abuse and reporting procedures;</li> <li>• establishing <b>clear guidelines for reporting</b> child abuse concerns; and</li> <li>• creating an environment supportive of children from <b>culturally diverse backgrounds</b> and <b>children with disabilities</b>.</li> </ul>
2	A child safe policy or statement of commitment to child safety	<p>St Ambrose's Parish Primary School has developed and implemented a <b>Child Protection and Safety Policy</b> that describes the key elements of our approach to child protection as well as an overarching set of principles guiding the development of policies and procedures to protect children from child abuse.</p> <p>Our Child Protection and Safety Policy is published through various mediums including our public website.</p>
3	A code of conduct that establishes clear expectations for appropriate behaviour with children	<p>St Ambrose's Parish Primary School has created a plain English <b>Child Safety Code of Conduct</b> which specifies appropriate standards of behaviour for adults towards students in all School environments, including outside of school hours.</p>

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4	Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel	<p>St Ambrose's Parish Primary School has created <b>child safe human resources practices</b> including those relating to:</p> <ul style="list-style-type: none"> <li>• <b>Recruitment, Selection &amp; Screening</b></li> <li>• <b>Our Working with Children Checks Policy</b></li> <li>• <b>Child Protection Training</b></li> <li>• <b>Our Child Safe Culture</b></li> </ul>
5	Procedures for responding to and reporting allegations of suspected child abuse	<p>St Ambrose's Parish Primary School has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the School's <b>Child Protection Officers</b>.</p> <p>St Ambrose's Parish Primary School has developed and implemented procedures for Board members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student. Refer to our <b>Procedures for Responding to and Reporting Allegations of Child Abuse</b>.</p> <p>Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/guardians and other community members are included in our <b>Child Protection and Safety Policy</b> which is available on our public website.</p> <p>Age appropriate reporting procedures for students are developed through our <b>pastoral care program</b>.</p>
6	Strategies to identify and reduce or remove the risk of abuse	<p>The School has adopted a risk management approach to child safety. <b>Key risk indicators of child abuse</b> are documented in our Child Protection Program and also included in our <b>Child Protection Training</b>.</p> <p>The School has developed a number of strategies, policies and procedures to create a risk-based approach to child safety and protection. Refer to <b>Child Protection Risk Management</b>.</p>
7	Strategies to promote the participation and empowerment of children	<p>St Ambrose's Parish Primary School has developed strategies to promote the participation and empowerment of children including policies and procedures related to age appropriate <b>pastoral care</b> and supporting <b>children with disabilities</b> and <b>children from culturally diverse backgrounds</b>.</p>

### Principle of Inclusion

In addition to implementing the Standards, the School implements principles of inclusion prescribed by the Standards and Ministerial Order No. 870 through our:

- **Disability Discrimination Policy**; and

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- **Cultural Diversity Policy.**

These policies address the three (3) Principles in addition to our response to each Standard. St Ambrose’s Parish Primary School is committed to ensuring that the needs of all students including but not limited to Aboriginal and Torres Strait Islander students, students from culturally or linguistically diverse backgrounds and students with disabilities or who are vulnerable are taken into account when the School develops and implements its Child Protection Program.

We understand that allegations of abuse that involve Aboriginal and Torres Strait Islander children, children from diverse backgrounds or children with disabilities will require varied and particular responses to ensure that appropriate action is taken. The School provides training for all of our School Child Protection Officers that specifically covers how to make a culturally appropriate and sensitive response to an allegation of abuse in order to overcome any impairments or barriers culturally diverse students or students with a disability may face.

**Creating and Maintaining a Child Safe Environment**

St Ambrose’s Parish Primary School has adopted a number of key strategies as controls for identifying and removing child protection risks and to promote the participation and empowerment of children. These are as follows:

**Child Safe Human Resources Practices**

- Child Safe Recruitment Practices
- Working with Children Checks
- Child Protection Training
- Our Child Safe Culture

**Participation and Empowerment of Children**

- Pastoral Care - Child Protection
- Students with a Disability
- Cultural Diversity

**Child Safe Human Resources Practices**

St Ambrose’s Parish Primary School only engages people who are suitable to work with students at the School and has developed and implemented child-safe human resources practices accordingly.

In addition to ensuring Working with Children Checks are completed in accordance with our legal obligations, St Ambrose’s Parish Primary School is committed to ensuring that newly recruited and existing staff, Board members and **Direct Contact Volunteers** understand the importance of child safety, are aware of all relevant policies and procedures, and are trained to minimise the risk of child abuse.

This is done through various human resources work systems, practices, policies and procedures designed to protect children from abuse and create a child safe culture. This includes:

- Child Safe Recruitment Practices
- Working with Children Check
- Child Protection Training

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- Our Child Safe Culture

### **Child Safe Recruitment Practices**

At St Ambrose’s Parish Primary School we are committed to ensuring that our recruitment practices create a safe environment for our students. To this end, we have established policies and procedures for recruiting employees, Board members and Direct Contact Volunteers and for assessing their suitability to work with children.

Our recruitment processes are designed to select appropriate staff, Board members and Direct Contact Volunteers and discourage inappropriate people from working within the School. Each job description for staff involved in child-connected work (being those persons with direct contact with children that is regular and not incidental to the work) has a clear statement that sets out the requirements, duties and responsibilities regarding child protection for those in that role and the occupant’s essential qualifications, experience and attributes in relation to child protection.

All applicants for child-connected work (being those persons with direct contact with children that is regular and not incidental to the work) at the School are informed about these requirements and the School’s child protection practices prior to commencing work at the School.

It is our policy that all new staff and members of the Advisory Board undergo screening including:

- a Working with Children Check clearance status;
- personal identity verification and background checking;
- verification of professional or other qualifications relevant to the job;
- an examination of their history of child-connected work; and
- reference checking that addresses the person’s suitability for the job and working with children.

### Direct Contact Volunteers

With the exception of parents/guardians volunteering in an activity that their child is participating in, all of the School's **Direct Contact Volunteers** undergo the following screening prior to their engagement by the School:

- personal identity verification and background checking;
- verification of professional and other qualifications if relevant to their role;
- an examination of their history of child-connected work; and
- reference checking that addresses the person's suitability for the job and working with children.

In line with the School's risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the School requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice.

All employees and Direct Contact Volunteers are also subject to rigorous interview procedures.

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All staff members and **Direct Contact Volunteers** are supervised regularly to ensure their behaviour towards children is appropriate and to monitor their compliance with the School's Child Protection Program.

Performance and development reviews are regularly undertaken for all staff and include consideration of performance against the School's Child Safety Code of Conduct and the requirements of the Child Protection Program. For example, ensuring that a staff member has not breached any of the School's reporting procedures or the Child Safety Code of Conduct.

### **Child Safe Recruitment and Other Legislation**

Our recruitment practices are subject to State and Federal anti-discrimination legislation and the requirements of the Privacy Act when obtaining, using, disclosing, and storing information from applicants and referees.

### **Working with Children Checks**

<p><b>Source of Obligation</b></p>	<p>The Working with Children Act 2005 (the Act) aims to protect children from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.</p> <p>The Act aims to prevent those who pose a risk to children from working or volunteering with them.</p>
<p><b>Who Needs a WWC Check?</b></p>	<p>Subject to the exemptions referred to below, any worker who engages in child-related work that involves direct contact with a child (being a person under 18 years of age) needs a Working with Children Check (WWC Check).</p> <p>Section 3 of the Act defines '<b>direct contact</b>' as any contact between a person and a child that involves:</p> <ul style="list-style-type: none"> <li>• physical contact; or</li> <li>• face to face contact; or</li> <li>• contact by post or other written communication; or</li> <li>• contact by telephone or other oral communication; or</li> <li>• contact by email or other electronic communication.</li> </ul> <p>A WWC Check will apply to any person who is engaged by St Ambrose's Parish Primary School as an employee, a Board member, a self-employed person, a Volunteer, a Third Party Contractor (who has or is likely to have direct contact with children), a supervisor of child employees, part of practical training through an educational or vocational course, unpaid community work under a court order, a minister of religion or performing duties of a religious vocation, an officer of a body corporate, a member of a committee of management of an unincorporated body or a member of a partnership.</p>
<p><b>What is Child Related Work?</b></p>	<p>Child-related work is defined in section 9 of the Act as voluntary or paid work, in any of the occupational categories listed in the Act, that usually involves direct contact with a child.</p>

	<ul style="list-style-type: none"> <li>• For the purposes of the Act work will not be ‘child- related work’ by reason only of occasional direct work with children that is incidental to the work</li> </ul> <p><b><u>Child-Related Work for Ministers of Religion</u></b></p> <p>The Act defines child-related work for ministers of religion more broadly than for other occupations. All ministers of religion are required to get a WWC Check unless the contact they have with children is only occasional and always incidental to their work. This would include for example having children in their congregation, attendance at schools or school camps even when all their contact with children is supervised. An example of when a minister of religion would not require a WWC Check is a minister conducting purely administrative roles within a church’s bureaucracy.</p> <p>The following are considered to be child-related work:</p> <ul style="list-style-type: none"> <li>• Mentoring and counselling services for children;</li> <li>• Direct provision of child health services;</li> <li>• Clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature);</li> <li>• Educational and care services, child care centres, nanny services and other child care;</li> <li>• Coaching and tuition services for children;</li> <li>• Any religious organisation where children form part of the congregation;</li> <li>• Boarding houses or other residential services for children and overnight camps for children;</li> <li>• Transport services specifically for children, including school bus services and taxi services for children with a disability and supervision of school road crossings;</li> <li>• Commercial photography services for children unless they are merely incidental to or in support of other business activities;</li> <li>• Commercial talent competitions for children unless they are merely incidental to or in support of other business activities; and</li> <li>• Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.</li> </ul>
<b>Key Exemptions</b>	<p>People engaged in the following types of work are <i>not</i> required to have a WWC Check:</p> <ul style="list-style-type: none"> <li>• Teachers registered with the Victorian Institute of Teaching (VIT).</li> <li>• Parents or close relatives volunteering in an activity in which their child participates or normally participates.</li> <li>• Students, aged 18 or 19, undertaking volunteer work organised or held at School.</li> <li>• Victorian or Australian Federal Police officers.</li> <li>• Workers, who usually live in another state or territory, visiting Victoria to engage in child-related work (only up to 30 days within the same calendar year).</li> <li>• All children under the age of 18.</li> </ul> <p><b>Note:</b> Some drivers accredited under the Transport (Compliance and Miscellaneous) Act 1983 who were engaging in child-related work were previously exempt from the Check. These drivers must now pass the Check to continue this work.</p>

<p><b>How to Apply for a WWC Check?</b></p>	<p>A worker who engages in child related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a worker.</p> <p>To apply:</p> <ol style="list-style-type: none"> <li>1. Fill out an online application form at <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a>;</li> <li>2. Upon completion of the application, you will be provided with an online receipt.</li> <li>3. Take application summary and printed receipt, a passport-sized photo and proof of identity to a participating Australia Post retail outlet.</li> <li>4. If the WWC Check is for paid work, a fee is payable for a five year clearance.</li> <li>5. If applying outside Victoria, the following must be posted to the Victorian Department of Justice: <ul style="list-style-type: none"> <li>• An application summary and receipt or the completed paper form signed in front of a certifying officer.</li> <li>• A signed statement by a certifying officer confirming they have witnessed your signature.</li> <li>• Certified true copies of your identification documents.</li> <li>• 2 passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary or paper form.</li> <li>• A bank cheque or money order for the fee if you are a paid worker.</li> </ul> </li> </ol> <p>Mail to: Working with Children Check Unit, Department of Justice, GPO Box 1915, Melbourne VIC 3001</p>
<p><b>What is Checked?</b></p>	<p>The WWC Check obtains applicants' national criminal histories including:</p> <ul style="list-style-type: none"> <li>• Convictions (spent or unspent);</li> <li>• Non-convictions charges (for serious sexual, violent or drug offences);</li> <li>• Acquittals because of mental impairment;</li> <li>• Guilty pleas;</li> <li>• Juvenile records from when you were under 18 years of age;</li> <li>• Findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source considered relevant;</li> <li>• Formal findings of guilt; and</li> <li>• Pending charges.</li> </ul> <p>The criminal offences relevant to a WWC Check are:</p> <ul style="list-style-type: none"> <li>• Serious sexual offences;</li> <li>• Serious violent offences;</li> </ul>

	<ul style="list-style-type: none"> <li>• Serious drug-related offences;</li> <li>• Offences against the Working with Children Act 2005 ; and</li> <li>• Offences linked to the safety of children.</li> </ul>
<p><b>Outcome of the WWC Check</b></p> <p><i>Clearance</i></p> <p><i>Negative Notice</i></p>	<p>There are only two results for a WWC Check – a <b>clearance</b> to work with children or a <b>Negative Notice</b> barring an applicant from working with children.</p> <p>Where the outcome is a <b>clearance</b>, the applicant will receive a text message on their mobile phone confirming they have passed the Check and will then receive a WWC Check Card in the mail.</p> <p>An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work. A Volunteer WWC Check Card can only be used for voluntary child-related work. The card, which is valid for five years, has the worker’s name, signature, photograph, card number and expiry date.</p> <p>Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to the card being suspended or revoked before the five year expiry date.</p> <p>Where an applicant has failed the Check, they will be issued with a <b>Negative Notice</b>. The Notice will bar an applicant from engaging in child-related work, even if they are directly supervised, from the date of notice. A copy of the Notice will be sent to all the organisations listed in the application but they will not be notified of the reasons for the Notice.</p> <p>Once issued with a Negative Notice, an applicant cannot reapply for a WWC Check for five years, unless their circumstances have changed, which can include: a pending charge being withdrawn or dismissed by a court; being found not guilty of a pending charge; being no longer required to report under the Sex Offenders Registration Act 2004 ; being no longer subject to an extended supervision or detention order under the Serious Sex Offenders Monitoring Act 2005 or Serious Sex Offenders (Detention and Supervision) Act 2009 .</p> <p>Applicants can appeal a Negative Notice by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.</p>
<p><b>Worker Obligations</b></p>	<p>Upon receiving clearance, it is compulsory that the worker show their WWC Check Card to St Ambrose’s Parish Primary School and provide their Card and Application Receipt numbers.</p> <p>The worker must notify the Victorian Department of Justice within 21 days of any changes to their name, residential address, birth date or phone numbers provided in the application.</p> <p>The worker must notify the Department of the details of a new organisation they are starting child-related work within 21 days.</p> <p>The worker must stop working with children immediately if their WWC Check Card has been suspended during a reassessment.</p>

	The worker must not let another person use their WWC Check Card for child-related work and must lodge a renewal form before the Card expires.
<b>St Ambrose's Parish Primary School's Obligations</b>	St Ambrose's Parish Primary School must: <ul style="list-style-type: none"> <li>• Not engage anyone in child-related work who does not have a WWC Check Card;</li> <li>• Not allow anyone who has a Negative Notice to undertake child-related work, even if they are directly supervised or exempt;</li> <li>• Set up a process to ensure new staff and volunteers notify the Department within 21 days of commencing child-related work with St Ambrose's Parish Primary School; and</li> <li>• Ensure workers engaged in paid work have an Employee WWC Check Card and not a Volunteer Card.</li> </ul>
<b>Penalties</b>	It is an offence to work with children without a valid WWC Check Card or Application receipt while your Check is being processed. It is an offence for anyone to apply for or engage in child-related work if they have been issued a Negative Notice. The maximum penalty is two years' imprisonment, a fine or both.  The School must take reasonable steps to ensure they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card. The penalty for organisations is a significant fine.
<b>Record Keeping Obligations</b>	For the School's record keeping obligations relating to WWC Checks, refer to <b>Child Protection Record Keeping</b> .

### Child Protection Training

St Ambrose's Parish Primary School recognises that without training and education of our staff, Board members and **Direct Contact Volunteers**, our policies and procedures will not operate to effectively keep our students safe and protect them from abuse.

St Ambrose's Parish Primary School staff, Board members and Direct Contact Volunteers receive child protection training when they first commence their role at the School as part of the induction process and are required to complete ongoing training on child protection issues at least annually.

All **Mandatory Reporters** undergo the School's Child Protection Training course when they first commence their role at the School as part of the induction process, as well as periodic refreshed training to ensure ongoing understanding of their obligations.

All staff, Direct Contact Volunteers and other Mandatory Reporters are required to undertake training through our Child Protection Training course which consists of the following modules:

**Module 1** - An Overview of Our Child Protection Program

**Module 2** - The Meaning of Child Abuse and its Key Risk Indicators

**Module 3** - The Legal and Regulatory Framework for Child Protection in Victoria

**Module 4** - Victorian Child Safe Standards

**Module 5** - Our Child Protection and Safety Policy and Child Safety Code of Conduct

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**Module 6** - How to Respond to a Child Protection Incident

**Module 7** - Child Protection Reporting

**Module 8** - Working with Children Checks

**Module 9** - Staff and Student Professional Boundaries

The School's Child Protection Officers, and other selected staff, undertake additional training as considered appropriate to their roles.

### **Child Protection Training Record Keeping**

Through the School's on-line child protection training course, the School creates and maintains electronic records of child protection training completed by staff, Board members and Direct Contact Volunteers.

### **Our Child Safe Culture**

At St Ambrose's Parish Primary School we believe that the safety of children is dependent on the existence of a child safe culture within our School community. We have developed the following work systems, practices, policies and procedures designed to create a child safe culture including:

- a holistic approach to child protection through this **Child Protection Program**;
- the appointment of the School's **Child Protection Officers** and a **Senior Child Protection Officer**;
- establishing key child protection principles in our **Child Protection and Safety Policy**;
- establishing clear expectations for appropriate behaviour with students through our **Child Safety Code of Conduct** and **Staff and Student Professional Boundaries** policy;
- educating our staff and Direct Contact Volunteers through our **Child Protection Training**;
- clear procedures for **reporting** alleged or suspected incidents of child abuse;
- clear procedures for reporting **Reportable Conduct** to the Commission for Children and Young People;
- recognition that children from **culturally diverse backgrounds** have the right to special care and support including Aboriginal and Torres Strait Islander children;
- recognition that children who have any **kind of disability** have the right to special care and support;
- clearly defining the **roles and responsibilities** of personnel involved in protecting children; and
- establishing comprehensive **child protection record keeping procedures** to ensure that the school can evidence reasonable precautions taken to prevent abuse at the school in accordance with our **Child Protection Risk Management** strategies.

### **Participation and Empowerment of Children**

Children often do not report abuse because they:

- feel uncomfortable doing so;
- do not recognise behaviours as abuse or grooming; or

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- do not know who to raise their concerns or make a report.

St Ambrose's Parish Primary School recognises that in order to achieve a child safe environment at the School which meets students' intellectual, physical, social, emotional and moral needs, students need to be involved in the creation and maintenance of such an environment.

It is our policy that we have simple and accessible processes in place to assist children (including those from diverse cultural backgrounds and those with a disability) to develop appropriate knowledge and skills to identify and communicate when they do not feel safe

It is our policy that relevant staff members are trained on methods of empowering children and encouraging their participation.

This is done through various work systems, practices, policies and procedures. This includes:

Pastoral Care - Child Protection

Students with a Disability

Cultural Diversity

### **Pastoral Care - Child Protection**

Pastoral care is the support given to students for their development as a person. It relates to the total care of students and involves tending to both the academic and non-academic needs of students including spiritual, emotional and social wellbeing.

St Ambrose's Parish Primary School is committed to providing a safe, supportive and social environment where students feel nurtured as they learn.

To this end, we have developed, and continue to develop, a comprehensive range of pastoral care policies and procedures that are designed to promote the social and emotional wellbeing of our students, and to deliver age appropriate education to all students about:

- healthy and respectful relationships;
- child abuse awareness and a child's right to be safe;
- a child's right to make decisions about their body and their privacy;
- how they can raise concerns about abuse;
- resilience and coping with adversity;
- the fact that any concerns they do raise will be taken seriously and responded to appropriately;
- our Child Protection and Safety Policy and Child Safety Code of Conduct; and
- standards of behaviour for students.

We are committed to ensuring that child abuse reporting procedures are age appropriate, simple, and accessible for all children including children from culturally diverse backgrounds and children with a disability.

Students are encouraged to provide feedback about child safety and protection issues at the School and the School conducts student focus groups and organises student surveys about various safety issues at the School, including child protection. The School takes all student contributions seriously and actively looks for ways to implement improvements to its Child Protection Program to reflect these contributions.

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Information about these topics, as well as other child safety and wellbeing topics, is made available to all students through various age-appropriate pastoral care initiatives as well as communications such as newsletters and the School's intranet. Child safety and wellbeing topics are also incorporated into the School's curriculum.

As part of the **additional training** given to our Child Protection Officers, these members of staff are trained on methods of empowering children and encouraging children's participation as part of their role as "*Child Protection Champions*".

### Students with a Disability

The School has an obligation to students with a disability to ensure that they are afforded the same level of educational and pastoral care as any other student at the School and considers how each policy and procedure the School establishes and implements may affect students with a disability.

St Ambrose's Parish Primary School is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards (refer to our **Disability Discrimination Policy**).

The School recognises that students with a disability will not only require additional assistance to participate and engage in School activities in a safe and supportive manner, but also that there are specific child protection risks that arise in relation to students with a disability. This may include for example, stricter screening procedures and training for staff who assist students who require help with personal activities such as toileting or dressing.

Students with a disability at the School may also require varied reporting avenues or systems to students without a disability, and the School has considered this when creating and implementing its **Procedures for Responding to and Reporting Allegations of Child Abuse**.

When supporting a student with a disability who has been impacted by child abuse, it is critical that the School considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies; and
- the student's vulnerability to on-going abuse when considering the need to make a further report and/or implement further risk mitigation strategies.

### Cultural Diversity

Children from culturally diverse backgrounds are children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis. They include children of Aboriginal or Torres Strait Islander descent that identify as being Aboriginal or Torres Strait Islander.

St Ambrose's Parish Primary School values and respects the racial and cultural diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that racial and cultural differences do not compromise a student's safety and wellbeing.

It is our policy that:

- we identify children from culturally diverse backgrounds when they are enrolled in the School;

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- we employ appropriate strategies to ensure the safety of these children as required;
- we encourage participation and empowerment of these children in the development of these strategies;
- we consider these children when developing and implementing policies and procedures related to child protection at the School; and
- we educate our staff about these cultural differences and the strategies and procedures we have employed.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, or those who identify as Aboriginal or Torres Strait Islander, it is critical that the School provides culturally appropriate support. Where possible the School will work with relevant cultural support groups, ensure that confidentiality of the family is maintained and engage an interpreter when communicating with the student’s family.

Similarly, when supporting international students who have been impacted by abuse, the School will give consideration to appropriate measures to be taken for the welfare of the students, including additional support where appropriate given that the student’s family may not be present to provide support within the home environment.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student, and their family.

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## Child Protection Risk Management

The School has adopted a proactive risk management approach to child protection by developing and implementing strategies to identify and mitigate our child protection risks based on:

- the nature of all School environments;
- the activities students undertake at the School (including the provision of services by contractors or outside the School's physical environment);
- physical and online environments that exist at the School; and
- the characteristics and needs of all of our students.

### Risk Management Strategies

St Ambrose's Parish Primary School has implemented the following risk mitigation strategies to ensure that the School maintains a proactive approach to our duty of care to protect children from harm and comply with our legal and regulatory obligations:

- this Child Protection Program, including our **Child Protection and Safety Policy** and our **Child Safety Code of Conduct**;
- a comprehensive **Staff and Student Professional Boundaries Policy**, implemented through training and communicated publicly;
- induction and ongoing **training** provided to staff, Board members, Direct Contact Contractors and Direct Contact Volunteers, at least annually, about identifying risks of child abuse in the School environment, their obligations and responsibilities for managing these risks, how to report and respond to child protection incidents, and the School's current child safety standards;
- the appointment of the School's **Child Protection Officers** who are "*Child Protection Champions*" at the School and receive specialised, additional training to ensure that any concerns about child safety and protection in the School environment held by students, staff, Volunteers and parents may be discussed in a safe and supportive environment
- extensive policies and procedures relating to **excursions and camps** ensuring that child protection risks specific to excursions and overnight stays are identified and controls are put in place;
- extensive policies and procedures relating to work experience placements, including the completion of the **Student Work Experience Checklist** that outlines key child protection requirements;
- ongoing, periodic reviews of all physical School environments to eliminate physical isolation risks, such as solid classroom doors or rooms with no windows, or implement procedural controls where elimination is not possible;
- specific procedures for verifying the Working with Children Check status of all **External Education Providers** and **Third Party Contractors**, who may have direct contact with students, to ensure that students remain safe in all School environments both internal and external to the School grounds, including under a work experience arrangement;
- clear procedures for reporting **Reportable Conduct** to the Commission for Children and Young People to ensure all risks specific to employee conduct are identified and controls are put in place;

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- identifying and recording all risks of child abuse in all School environments in a child protection risk register, and assessing the risks with regard to the likelihood of the risk event occurring and the potential consequences if it was to occur; and
- a system of assurance through which risks of child abuse, and actions taken to reduce or remove these risks (risk controls), are recorded. The system is also used to monitor risk controls and to evaluate their overall effectiveness on a regular basis.

### **Procedures for Responding to and Reporting Allegations of Child Abuse**

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

The School will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service, the Commission for Children and Young People, or the Police, depending on the allegation or disclosure made.

St Ambrose’s Parish Primary School has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the School’s Child Protection Officers. St Ambrose’s Parish Primary School has developed and implemented procedures for staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student. Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/guardians and other community members are also included in our Child Protection and Safety Policy which is available on our public website.

Age appropriate reporting procedures for students are developed through our pastoral care program.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. This includes:

- Managing Your Initial Response to a Child Protection Incident
- Responding to an Emergency
- Reporting a Child Abuse Concern Internally
- General Legal Obligation to “Act to Protect” and to Report Child Sexual Abuse
- Mandatory Reporting
- Reportable Conduct of Staff, Volunteers and Others
- Responding to Other Concerns About the Wellbeing of a Child
- Conduct that is Reportable to the Victorian Institute of Teachers (VIT)
- Communication with parents/guardians
- Support for Students Interviewed at the School
- Making Additional Reports
- Child Protection Complaints Management

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- Confidentiality & Privacy
- Child Protection Record Keeping

The School's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/guardians and the wider School community through our staff intranet and by request.

All of the School's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the School community.

A summary of these procedures is made publicly available on the School's website through our **Child Protection and Safety Policy** and is accessible to all children, School staff and the wider community.

The School will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation;
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the School's response to it.

### **Documenting Your Observations and Actions**

It is critical that all teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

For more information about how to record observations, disclosures or allegations refer to **the Child Protection Record Keeping** section of this Program.

### **Preserving Evidence**

When an incident of suspected child abuse occurs at the School, consider all of the following:

- environment: do not clean up the area and preserve the sites where the alleged incident occurred;
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag;
- other physical items: ensure that items such as weapons, bedding and condoms are untouched; and
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

### **Managing Your Initial Response to a Child Protection Incident**

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## **Responding to an Emergency**

All teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers must act as soon as they **witness a child protection incident** or form a reasonable belief that a child has been or is at risk of being abused.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved;
- administering first aid;
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns; and
- briefing the Senior Child Protection Officer to be the future liaison with the Police on the matter.

The following sections outline the **six ways** that you may become aware that a child may be experiencing abuse and strategies for managing each situation and supporting and assisting children involved in the disclosure or report.

- Witnessing a Child Protection Incident
- Observation of Risk Indicators
- Private Disclosure by a Child
- Public Disclosure by a Child
- Third Party Disclosure
- Disclosure by a Former Student
- Support Following Disclosure

### **Witnessing a Child Protection Incident**

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved.

Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the **Responding to an Emergency** section of this Program.

The School's **Procedures for Responding to and Reporting Allegations of Child Abuse** should be followed after the health and safety of the child involved is ensured.

### **Observation of Risk Indicators**

The different types of child abuse and their key risk indicators are set out in detail in the earlier section of this program **Child Abuse – Definition and Key Risk Indicators**.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you should make written notes of your observations recording both dates and times. You should also **report the matter internally** to a School **Child Protection Officer**.

### **Private Disclosure by a Child**

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- stating clearly that the abuse is not the child's fault;
- reassuring the child that you believe them; and

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- telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child’s language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter. Finally, remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a School **Child Protection Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's **Support Following Disclosure** policy.

### **Public Disclosure by a Child**

Public disclosure occurs where you observe a child disclosing abuse to another child or group of children.

In this circumstance you should use a strategy of “protective interrupting”.

The aim of “protective interrupting” is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately; and
- moving the child away from the other students to a quiet space,

and then following the guidelines with respect to **managing a private disclosure**.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's **Support Following Disclosure** policy.

### **Third Party Disclosure**

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation you should:

- listen to the person’s concerns seeking clarification where required;
- thank the person for raising their concern;
- advise the person that we have procedures for dealing with situations like this; and
- advise the person that you will discuss their concerns with the relevant authorities.

As with **Private Disclosure**, you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter. Finally, remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a School **Child Protection Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

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### **Disclosure by a Former Student**

A former student of the School may come forward to a current staff member, or volunteer, and disclose past abuse from their time at the School. If you receive a disclosure from a former student about historical abuse, you must act.

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the Procedures for Responding to and Reporting Allegations of Child Abuse in this Program, specifically the obligations you may have under the following policies:

- the **Obligation to Act to Protect**;
- the **Obligation to Report Child Sexual Abuse**;
- **Mandatory Reporting**; and
- **Conduct That is Reportable to the Victorian Institute of Teaching**.

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the School this may trigger obligations under the **Obligation to Act to Protect** policy to remove the risk of abuse to other students.

### **Support Following Disclosure**

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation;
- the risk of harm to the child; and
- the capability and willingness of the parent to protect the child from harm.

### **After a disclosure is made:**

- do not promise the child that you will not tell anyone about the allegation;
- reassure the child that it was the right thing to do to tell an adult;
- tell the child what you plan to do next;
- do not confront the person believed to be the perpetrator;
- report the matter to one of the School's **Child Protection Officers** who will be able to assist you in developing additional support strategies; and
- whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### **Support for Staff and Volunteers**

Witnessing a child protection incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The School provides support to impacted staff and Volunteers to access necessary support.

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