

# Nunawading Christian College

## Child Safe Policy



### Document Control

Revision Number	Implementation Date	Review Date	Description of Changes	Prepared By	Approved By
New Policy	August 2016	July 2019	New Policy	ASV	School Executive School Council
1	March 2017	July 2020		Admin	School Executive School Council
Review	Feb 2022	Feb 2024		Mark Roberts	School Executive School Council



# CHILD SAFE PROTECTION POLICY

## 1. Introduction

Child protection is based on the understanding that each person is created in the image of God and is precious in His sight. There is a Biblical imperative to ensure that children are safe and treated with care and respect as modelled by Jesus Christ (Matthew 18:6; 19:14).

Nunawading Christian College (NCC / the school)) provides a values-based education which focuses on the development of the whole child and where the home and school work together harmoniously to provide this education. In this context, there is a legislative and moral imperative that there is a zero tolerance for any forms of child abuse and where the school, through its staff, provide a duty of care and take every precaution to avoid abuse happening.

Nunawading Christian College will abide by the tenets of the Department of Education and Training (DET) *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *Responding to Suspected Child Abuse: A Template for all Victorian Schools*, (all hyperlinks) which are referred to in this policy. **All teachers, other staff members, volunteers, contractors, other service providers, Pastors, School Council members and ASV Board members within Victoria** must understand and abide by the legal, professional, and moral obligations to implement child protection and child safety policies, protocols and practises.

This child safe policy sets out the principles and framework governing the school's behaviours and activities that enact the Victorian Child Safe Standards and which aim to keep all children safe from harm. (Refer [Ministerial Order 870](#) requirements)

In discharging its duty of care, the school is committed to take account of the diversity of all children, including the needs of Aboriginal children, children from culturally and linguistically diverse backgrounds, children with disabilities and children who are vulnerable.

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### 1.1 Scope

This policy applies to all staff, contractors, volunteers, education practicum students, students and other stakeholders at Nunawading Christian College and covers information about reporting allegations of:



- inappropriate behaviour by a staff member causing harm to a child or group of children,
- harm or suspected harm of a student by any other person.

## 1.2 School Governing Authority

The Board of Directors, Seventh-day Adventist Schools (Victoria) Ltd.

## 1.3 Point of Contact

Principal or Education Director and approved authority.

# 2. Definitions and Legislation

## 2.1 Relevant Definitions

“Harm” means physical, sexual, emotional or psychological, abuse and neglect of children. Reference to a “child” or “children” is inclusive of children and young people up to the age of 18 years.

“Student” means a child enrolled at Nunawading Christian College

“Reportable conduct” means any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

“Duty of care” means:

- The school has a responsibility to ensure reasonable care is taken to protect students from harm. The school’s duty of care is **non-delegable**, that is the school cannot discharge its duty of care by delegating this responsibility to another person or entity.
- The school’s non-delegable duty of care extends to ensuring the safety and welfare of students when they are engaged in off-site activities and when learning with another provider.
- The school as a legal entity can be sued for a breach of this duty.



- The school's duty of care is higher than that which applies to teachers.
- The school has a different and sometimes greater duty of care with respect to younger children and children with disabilities.
- The school has a responsibility to make sure all staff are aware of their legal obligations relating to their individual duty of care.
- The way in which the school's duty is discharged is through the leadership, decisions, actions (and omissions) of those designated as responsible persons

## 2.2 Relevant Legislation

Nunawading Christian College is committed to:

- Implementing protective systems and practises;
- Planning safe and supportive environments and
- Responding appropriately to allegations of abuse and allegations of inappropriate behaviour toward children and young people.

Nunawading Christian College also has a duty of care and a legislated responsibility to promote the wellbeing, safety and protection of children and young persons, from all forms of harm. Nunawading Christian College recognises the principles of the child protection legislation below:

- *Child Wellbeing and Safety Act 2005 (Vic) (the Act)*[1] establishes the principles for the wellbeing of children; sets the standards framework, provides for the oversight functions of the Commission for Children and Young People (CCYP) and the Reportable Conduct Scheme.
- *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)*
- *Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*[2] provides for the protection of children including mandatory reporting.
- *Crimes Act 1958 (Vic)*[3]
  - a. *Crimes Amendment (Grooming) Act 2014 (Vic)*
  - b. *Crimes Amendment (Protection of Children) Act 2014* provides for the offences of failure to protect and failure to disclose.
- *Wrongs Act 1958 (Vic)*[4]
  - a. *Wrongs Amendment (Organisational Child Abuse) Act 2017 (Vic)* imposes a duty of care to prevent physical or sexual abuse of children committed by people associated with the organisation.



- b. *Worker Screening Act 2020* (Vic)[5] assists in protecting children from sexual or physical harm through the provision of a screening process.
- 1.5. *Education and Training Reform Act 2006* (Vic)[6]
  - *Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018* (Vic)[7] aligns the Victorian Institute of Teaching (VIT) scheme for registering teachers with the *Worker Screening Act 2020* (Vic).
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### **Other regulatory instruments and reports**

- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards 2021.[8]
- Ministerial Order 870 January 2016 (Vic) – Managing the Risk of Child Abuse in Schools.[9]
- Betrayal of Trust Report 2014 (Vic)[10]
- National Principles for Child Safe Organisations, Australian Human Rights Commission 2018 and adopted by the Council of Australian Governments in February 2019.[11] [Appendix A]

The school is accountable under the *Child Safe Standards* which were introduced in response to recommendations made by the *Betrayal of Trust* report. Ministerial Order No. 870 – *Managing the Risk of Child Abuse in Schools* sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards.

The aim of this policy is to ensure the school complies with the Child Safe Standards as set out in the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

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.

## 3. Policy

### 3.1 Statement of Commitment and Principles

Nunawading Christian College is committed to ensuring the safety, welfare and wellbeing of children is maintained at all times during their participation in learning and other activities run by the school. Within the school, a best practice approach to creating a safe environment includes procedures for responding to allegations and disclosures of reportable conduct of children and young people, based on the following principles:

- All children and young people have a right to safety and freedom from abuse of any kind.
- All adults working with children and young people have a responsibility to care for them, to promote their wellbeing and to protect them from any form of reportable conduct.
- When any action is taken to prevent or respond to any type of reportable conduct, the welfare and wellbeing of the child or young person are the primary concerns.
- The integrity of the family unit is respected but not to the detriment of the child or young person.
- The dignity of persons involved in situations where reportable conduct is suspected or disclosed, should be respected and they should be treated with fairness, sensitivity, dignity and respect.
- In the interests of justice, appropriate confidentiality should be maintained, with information that relates to suspected or disclosed abuse being provided only to those who have a right or a need to be informed.

### 3.2 Health and Safety

Nunawading Christian College will protect students from harm as far as it is reasonably able. The safety, wellbeing and best interests of our students are of primary importance. The school will ensure the health and safety of staff in accordance with work health and safety legislation.



### 3.3 Conduct of Staff, Contractors, Volunteers & Education Practicum Students

All staff, contractors, volunteers and education practicum students must ensure that their behaviour towards and relationships with students reflect proper standards of care for students in accordance with VIT and NCC Codes of Conduct. Staff, contractors, volunteers and education practicum students must not cause harm to students.

### 3.4 Inappropriate Behaviour

If a student considers the behaviour of a staff member, volunteer, contractor, education practicum student or stakeholder in the school to be inappropriate, the student should report the behaviour to the:

- (a) Principal or
- (b) a member of the Child Safe Team, including the Child Safety Officers, School Welfare Officers, Chaplain or any other staff member.

### 3.5 Dealing with Information about Sexual Abuse, Harm and any other Inappropriate Behaviour

If a staff member receives a report of inappropriate behaviour about another staff member, contractor, volunteer, education practicum student or stakeholder in the school that the student considers inappropriate, the staff member receiving the report must immediately report it verbally and then in writing to the Principal. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must provide verbal information followed by a written report to the Director of Education, Seventh-day Adventist Schools (Victoria) Ltd.

### 3.6 Mandatory reporting requirements

Mandatory reporting describes the legal obligation of certain professionals and community members to report incidences of child abuse. These people are called 'mandated reporters'. If the mandated reporters fail to report they may be fined and/or incarcerated. Section 182 (1) of the Children, Youth and Families Act 2005 (as amended in 2011) lists the following people as mandated to report:

- Registered medical practitioner



- A nurse
- A midwife
- A person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act
- The principal
- School counsellors
- A member of the police force.
- Early childhood workers
- Youth Justice Workers
- Registered psychologists
- People in religious ministry

#### **REASONABLE BELIEF**

A mandated reporter does not need to have proof to report any concerns that they have about the safety of a child under 16. Indicators that represent reasonable grounds to report a suspected offence include:

- A child or young person discloses that he or she has suffered or is suffering non accidental physical injury or sexual abuse
- A child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- Someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- Your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

#### **ABUSE AND NEGLECT TYPES WHICH MUST BE REPORTED**

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence





- human trafficking (including forced marriage).

### Crimes Act 1958 (Vic.)

In response to the [Betrayal of Trust](#) report three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- failure to disclose offence, which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
- failure to protect offence, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
- grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

### Failure to Disclose

Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Victoria Police.

Failure to disclose the information to the Police is a criminal offence under Section 327 of the *Crimes Act 1958*(Vic.) and applies to **all adults (18 years and over)** in Victoria, not just professionals who work with children.

The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DFFH Child Protection.

For further information about the 'failure to disclose' offence, see [Department of Justice and Community Safety – Failure to disclose offence.](#)

### Failure to Protect

Any school staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child **under 16** who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk. Failure to



take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under Section 49C (2) of the *Crimes Act 1958* (Vic.).

At NCC, this will include the Principal and may also extend to school chaplains/welfare officers, heads of departments. It is the responsibility of the Principal, in consultation with the (Adventist Schools Victoria (ASV) Education Director, to ensure that any reported allegations of child abuse are taken seriously, dealt with in a timely manner and the principal will put in place alternative procedures in response to allegations or disclosures, as appropriate.

For further information about the 'failure to protect' offence, see (hyperlinks) [Department of Justice and Community Safety - Failure to protect offence](#)

## Grooming

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in Section 49B (2) of the *Crimes Act 1958* (Vic.). The offence applies to communication with children **under 16 years**.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the 'grooming offence', see [Department of Justice and Community Safety – Grooming offence](#).

### 3.7 Accessibility of Policy

This policy is accessible on the school website and will be available on request from the school administration. Each new staff member, contractor, volunteer, education practicum student and other school stakeholder will be made aware of the policy as part of their induction. Comprehensive training will be provided to all staff on an annual basis.



### 3.8 Communication of Policy

- Staff, contractors, volunteers, education practicum students, students and parents will be made aware of the policy by its display on the school website.
- The school will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.
- The school will require all staff to confirm in writing when appointed and thereafter on an annual basis that they know their legal obligations and that they have read and understood the school's child safe standards policies and procedures.

#### **REFER:**

Child Safe Code of Conduct

Child Safe Recruiting Policy

Staff Code of Conduct

Privacy Policy

Reportable Conduct Policy

Mandatory Reporting Policy



## Appendix A - National Principles for Child Safe Organisations

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.
- Australian Human Rights Commission 2018



## References:

- [1] <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005>
- [2] <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005>
- [3] <https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958>
- [4] <https://www.legislation.vic.gov.au/in-force/acts/wrongs-act-1958>
- [5] <https://www.legislation.vic.gov.au/as-made/acts/worker-screening-act-2020>
- [6] <https://www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006>
- [7] <https://www.legislation.vic.gov.au/as-made/acts/education-legislation-amendment-victorian-institute-teaching-tafe-and-other-matters>
- [8] [The VRQA Minimum Standards](#)
- [9] <http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf> Dated 7 January 2016
- [10] <https://www.parliament.vic.gov.au/fcdc/article/1788> Report dated 13 November 2013; Government response dated 8 May 2014
- [11] <https://www.humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf> dated 15 May 2018