

Braemar College

Child Safe and Protection Policy



RATIONALE

Braemar College has a zero tolerance of child abuse and is committed to the wellbeing and protection of children by establishing and maintaining child safe and child friendly environments.

COMMITMENT

Braemar College is committed to:

- A zero tolerance for child abuse
- Empowering all members of our community to have a voice and raise concerns
- Adhere to the Child Safe standards and reporting obligations
- Fostering a culture of openness that supports our community members to report concerns and risks to child safety
- The safety of children with disabilities, indigenous children, children from culturally and linguistically diverse backgrounds and children who are vulnerable
- Maintaining a robust human resource recruitment process that allows only the engagement of the most suitable people to work with children
- Regularly provide training that educates our staff, contractors and volunteers on child abuse risks
- To continually develop, review and provide to our staff and volunteers our written policies, processes and code of conduct on child safety

SCOPE

This policy is applicable to all members of the Braemar College community including:

- The College Board of Directors (Governors)
- The College Leadership Team
- The College staff
- All contractors
- Volunteers

PURPOSE

This policy is in accordance with the *Standard 2 of the Child safe Standards* detailed in *Ministerial Order 870*. The standards were introduced on the 1 August 2016 in the wake of the findings from the Victorian Betrayal of Trust Royal Commission.

Through the application of this policy, we at Braemar College aim to:

- To clearly articulate what constitutes child abuse in order to prevent it occurring within the Braemar College environment
- To promote a culture of child safety
- To support, encourage and enable staff, parents and children / students to understand, identify, discuss and report child safety matters
- To provide guidance to the Braemar College community of acceptable and appropriate behaviors via a code of conduct



- To provide human resources practices that reduce the risk of child abuse
- To provide regular annual training the Board of governors and all college staff to ensure complete understanding of the child safe policies and procedures, code of conduct, child abuse risks in the college environment and collective obligations and responsibility for managing the risks of child abuse
- To identify procedures for responding to and reporting allegations of child abuse

IMPLEMENTATION AND PROCEDURES

Responsibility

The Board of Governors, Principal, all members of the Leadership Team are responsible for developing strategies that promote and embed an organisational culture of child safety.

The Principal and members of the Leadership Team have responsibility to ensure the policy is communicated, implemented and adhered to by all members of their teams.

The more specific responsibilities of the Leadership Team include:

Definition of Child Abuse

Child abuse includes:

- any act committed against a child involving a sexual offence or an offence under section 49B(2) of the Crimes Act 1958 (grooming)
- the infliction, on a child of physical violence, serious emotional or psychological harm
- serious neglect of a child

Human Resources Practices

Braemar College implements a professional recruitment process that takes all reasonable steps to employ the most suitable people to work with children.

The governing board is responsible for authorising the child safe and protection policy, for overseeing its implementation and for managing the risk of child abuse. The leadership Team is responsible for the regular review of the child safe and protection policy.



The Principal will:

- Ensure that all staff members, volunteers, students aged 18 and over, Board of Governors and the school parent community are aware of the Crimes Act 1958 (Vic) and have access to a copy of the policy
- Ensure that all adults within the school community are aware of their obligation to report suspected sexual abuse of a child under 16 years to the police
- Provide support for staff in undertaking their responsibility in this area

All staff members will:

- Be aware of the school's Crimes Act 1958 (Vic) and the school's Child Protection - Mandatory Reporting Policy
- Report any reasonable belief of child sexual abuse to the police or fulfil their obligation as Mandatory Notifiers
- Provide an educational environment that is supportive of all children's emotional and physical safety

Parents/Caregivers/Volunteers/Students 18 and over will:

- Be aware of the Crimes Act 1958 (Vic) and the school's Child Protection - Mandatory Reporting Policy
- Understand their obligations to report a reasonable belief of a child sexual offence to the police

Specific Offences

Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. The failure to disclose offence imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

Definition

Under section 327 of the *Crimes Act 1958* (Vic), any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DFFH Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children.



Forming a 'Reasonable Belief'

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 sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads to a belief that the child has been sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been sexually abused.

Procedure

Any adult aged 18 or over who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police by dialling 000 (or otherwise to a Member of the police force of Victoria).

An adult will not be guilty of an offence if they do not report in the following circumstances:

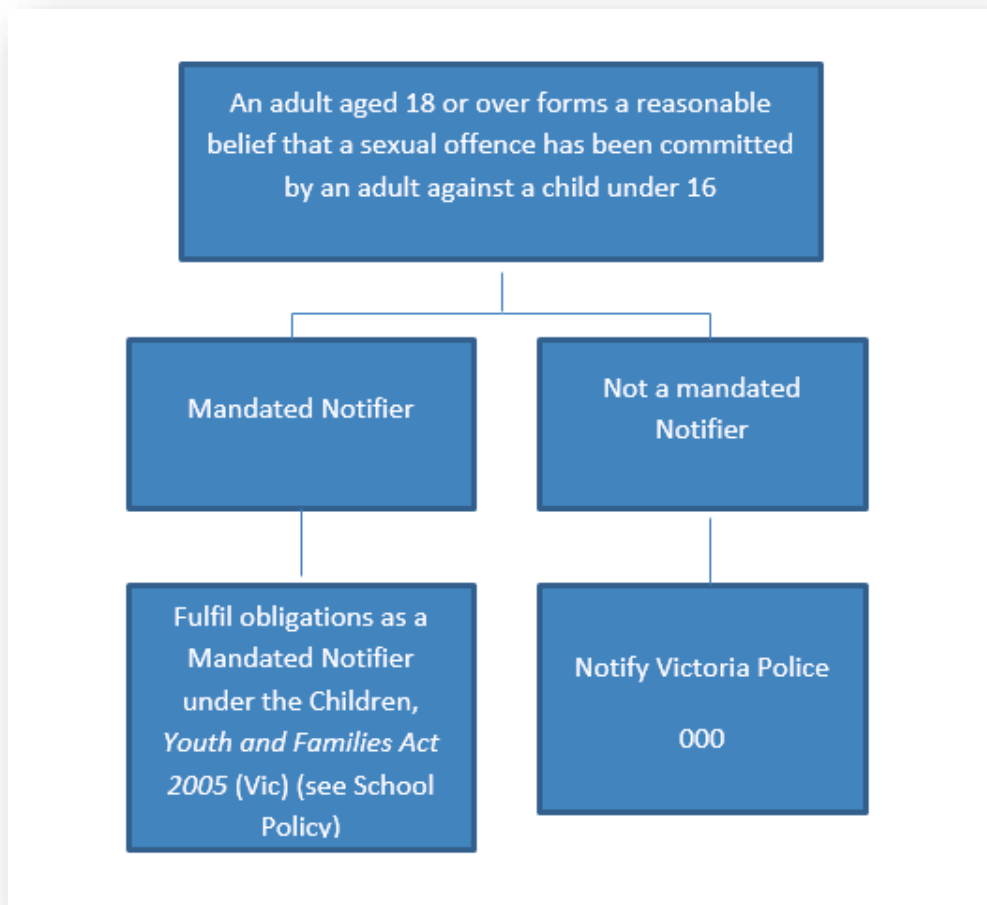
- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor
- The victim turned 16 years of age before 27 October 2014

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DFFH Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.

Obligations

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



A person in the school may have a mandatory reporting obligation under the *Children, Youth and Families Act 2005 (Vic)*. In summary, this obligation requires Principals, teachers (including pre-service and visiting teachers), registered nurses (including school nurses) to report concerns about child welfare to child protection authorities within the Department of Families, Fairness and Housing (DFFH). DFFH passes all allegations of child sexual abuse to police so it will be a reasonable excuse for not reporting to police if a person has made a report to DFFH or reasonably believes a report has been made to DFFH. (Please refer to the school’s Child Protection – Mandatory Notification Policy on the College intranet).

Grooming

Section 49B of the *Crimes Act 1958 (Vic)* relates to the offence of “Grooming for sexual conduct with a child under the age of 16 years”. The offence targets predatory conduct designed to facilitate later sexual activity. The offence can be committed by any person aged 18 years or over.



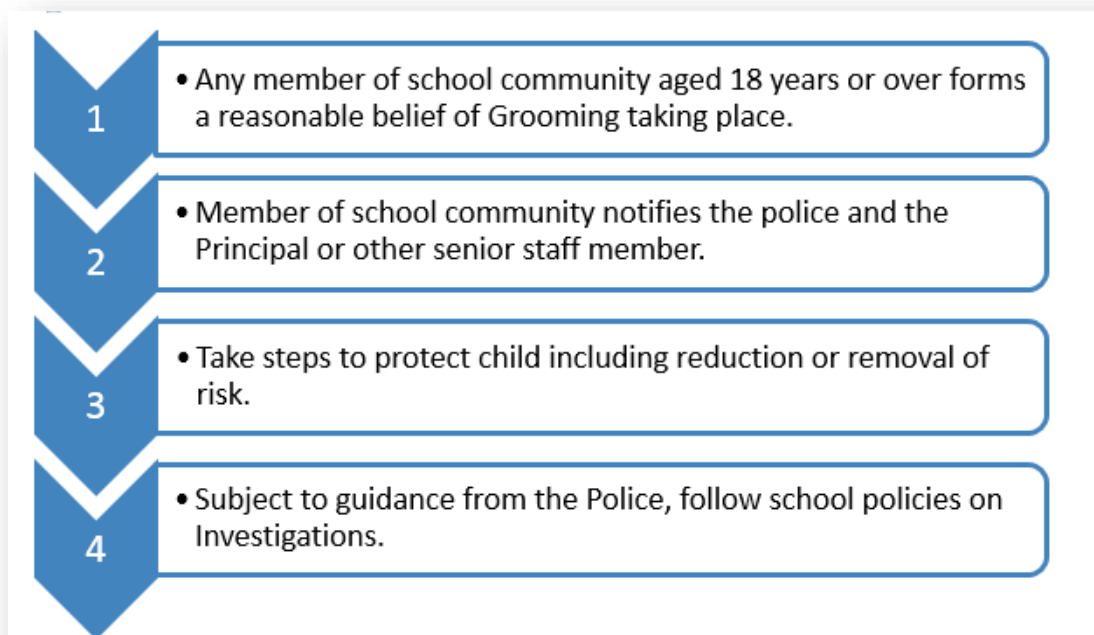
Definition

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's engagement in or involvement in sexual conduct, whether with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as 'upskirting' and indecent behaviour in public.

Procedure

Should any member of the school community aged 18 and over become aware of grooming behaviour by a person aged 18 years or over, they should notify the police and the Principal immediately.

It is the responsibility of the Principal and/or others associated with the school with authority or responsibility, to take action upon becoming aware of grooming behaviour to protect (so as to reduce or remove a substantial risk) in accordance with the 'failure to protect' offence (see below).





Failure to Protect Offence¹

Section 49C of the *Crimes Act 1958* (Vic) will make it a criminal offence in Victoria for a person in authority to fail to protect a child under the age of 16 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of an organisation (including schools) will become a victim of a sexual offence by an adult associated with the school. The person in a position of authority may be guilty of an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Definition

If a person associated with the school², who by reason of their position has the power or responsibility to reduce or remove a substantial risk that a child will become a victim of a sexual offence committed by an adult associated with the school, they must not negligently fail to reduce or remove the risk

That is, as soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

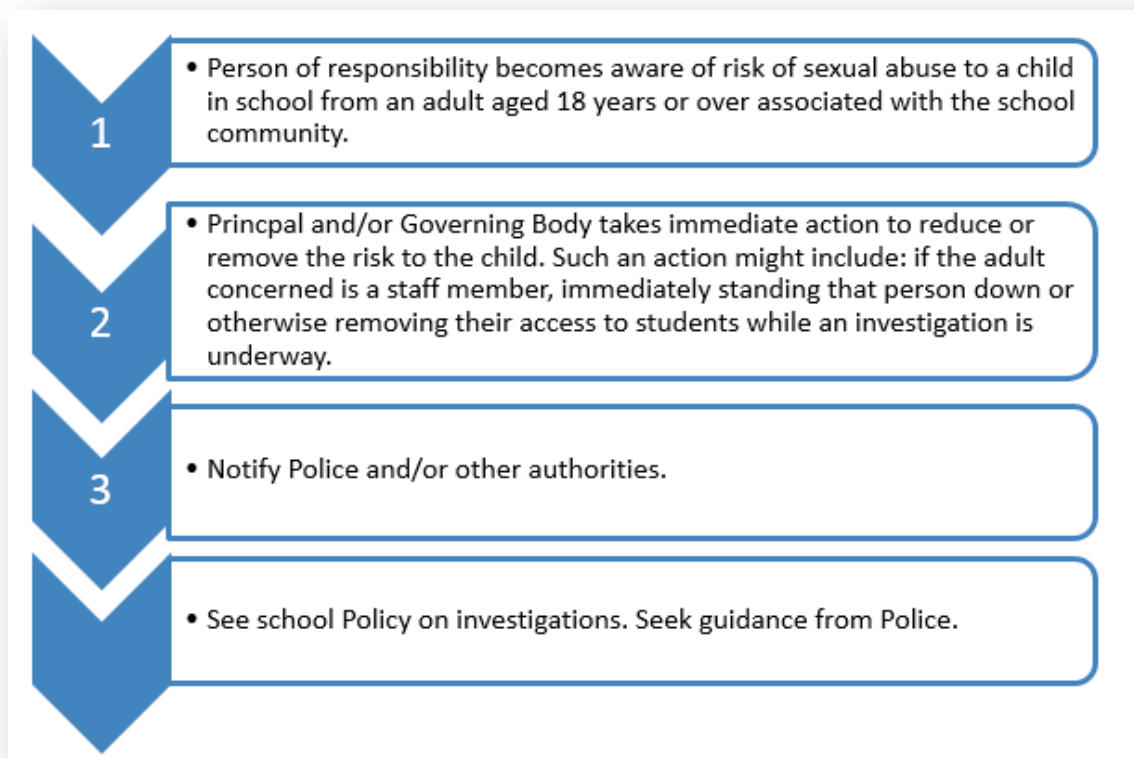
A person who has the power or responsibility to reduce or remove a risk will include the Principal, governing body members and senior staff, as well as teachers by virtue of their responsibilities. For the avoidance of doubt, any member of staff or person associated with the school who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Principal as soon as is reasonably practicable.

Procedure

When aware of a substantial risk of criminal sexual abuse to a child in the school from an adult aged 18 or over associated with the school, the Principal and/or Governing Body will act to reduce or remove the risk. The person will be removed from any child-related role pending an investigation.

¹ Section 49C is expected to come into effect by 1 July 2015. However, it is recommended that the school take all reasonable steps consistent with these provisions pending the section coming into operation.

² Under the proposed s.49C(1), a *person associated with an organisation* includes but is not limited to a person who is an officer, an office holder, employee, manager, owner, volunteer, contractor or agent of the organisation but does not include a person solely because the person received services from the organisation.



Programs and Prevention Strategies

The college engages external providers to run programs annually across all year levels to reinforce the understanding of child safety and the on campus availability / access to the relevant student counselling support mechanisms.

Resources

[Department of Justice: Betrayal of Trust Factsheet: The new 'failure to disclose' offence.](#)

[Department of Justice: Betrayal of Trust Factsheet: The new 'grooming' offence.](#)

[Department of Justice: Betrayal of Trust Factsheet: The new 'failure to protect' offence.](#)

[VRQA Newsletter 'New obligations to help protect children: Betrayal of Trust implementation' \(Edition 41\).](#)

Further information

Further information concerning any aspect of this policy may be directed to the Principal and/or his delegate.

<i>This policy was ratified/reviewed by the Braemar College Board of Governors on</i>	3 March 2022
<i>Next review date</i>	3 March 2024



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