



CHILD SAFETY POLICY

1. Purpose

St Catherine's School is committed to being a Child Safe organisation and embedding a child safe culture into our practices and processes to ensure that all children who attend the School are safe at all times.

All children regardless of their gender, race, religious beliefs, age, disability sexual orientation, or family or social background have equal rights to protection from abuse. St Catherine's School is committed to the cultural safety of Aboriginal children and those from culturally and/or linguistically diverse backgrounds and to provide a safe environment for children with a disability.

St Catherine's School has zero tolerance for child abuse and all staff employed by St Catherine's School are responsible for the care and protection of the children within our care and to report information about suspected child abuse

This policy exists to provide a framework to ensure that St Catherine's School is able to ensure that all reasonable steps are taken so that students are safe from sexual abuse and can feel safe at all times.

2. Scope

This policy applies to all staff members, volunteers, students aged 18 years and over, School Council members and the School parent community

3. Definitions

[Child]: [for the purposes of this policy a child is defined as 16 years and under]

[Child Protection]: [Government Authority which takes responsibility for the protection of children and to whom reports are made]

[DHS]: [Department of Human Services]

4. Policy Statement

At St Catherine's School we are committed to fulfilling our duty of care to all students and specifically students under the age of 16 in relation to the *Crimes Act 1958 (Vic)* which was amended in 2014 to include offences of (i) failing to disclose a sexual offence, (ii) grooming for sexual conduct, and (iii) failing to protect a child from sexual offence.

The School policy will provide a framework to ensure that all persons in positions of authority, care or supervision; all employees of the School and where applicable, students of 18 years or over understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 16, in accordance with the *Crimes Act 1958 (Vic)*.

This policy is designed to ensure that individuals associated with the School, who have the power or responsibility to reduce or remove a substantial risk, take steps to reduce or remove any substantial risk that a student under 16 years of age will become the victim of a sexual offence, including the recognition of 'grooming'.

The School has a responsibility to ensure that all members of the School Community aged 18 years and over understand their reporting obligations in accordance with the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*.

All members of the School Community aged 18 years and over (who are not Mandatory Notifiers), who form a reasonable belief that a sexual offence has been committed by an adult



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against a child under 16 years of age, are requested to discuss this concern with the Principal, who has an obligation to report that information to the police.

Guidelines

The Principal will:

- ensure that all staff members, volunteers, students aged 18 years and over, School Council members and the School parent community are aware of the *Crimes Act 1958* (Vic);
- ensure that all adults within the School Community are aware of their obligation to report suspected sexual abuse of a child under 16 years of age to the Principal who is obliged to report this to the police;
- provide support for staff in undertaking their responsibility in this area.

All staff members will:

- be aware of the School's Child Safe Policy and Child Protection and Mandatory Reporting Policy;
- report any reasonable belief of child sexual abuse to the Principal or one of the School's delegated Child Safety Officers so a report may be made to police or fulfil their obligation as Mandatory notifiers;
- follow the School's Child Safe Code of Conduct
- provide an environment that is supportive of all children's emotional and physical safety.

Parents/Guardians/Volunteers/Students aged 18 years and over will:

- be aware of the School's Child Safe Policy and Child Protection and Mandatory Reporting Policy;
- understand their obligation to report a reasonable belief of a child sexual offence to the Principal so that a report may be made to the Police

Child Safety Officers

The School has nominated three Child Safety Officers:

- Mrs Alana Moor, Head of Junior School and ELC
- Ms Merran O'Connor, Director of Student Wellbeing
- Ms Amelia King, School Counsellor

The Child Safety Officers are able to act as a source of support, advice and expertise to staff on matters of child safety and liaise with the Principal and the Senior Leadership team to maintain the visibility of child safety.

Staff are encouraged to speak with one of the Child Safety Officers should they hold any concerns relating to child safety.

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 years and over to report information about child sexual abuse to police.



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The School follows a process whereby all staff who may form a reasonable belief that a child has been sexually abused is required to report this matter to the Principal who will report this matter to police in collaboration with the staff member.

Definition

Under section 327 of the *Crimes Act 1958* (Vic), any person (including any staff member) over 18 years of age who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against any 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 DHS 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 it 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 Victoria Police).

The School's process is for staff to notify the Principal prior to making a report so the Principal can assist the staff member through the reporting process and ensure the child's welfare is maintained throughout the process.

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 a person as a registered medical practitioner or counsellor;
- the victim turned 16 years of age before 27 October 2014.

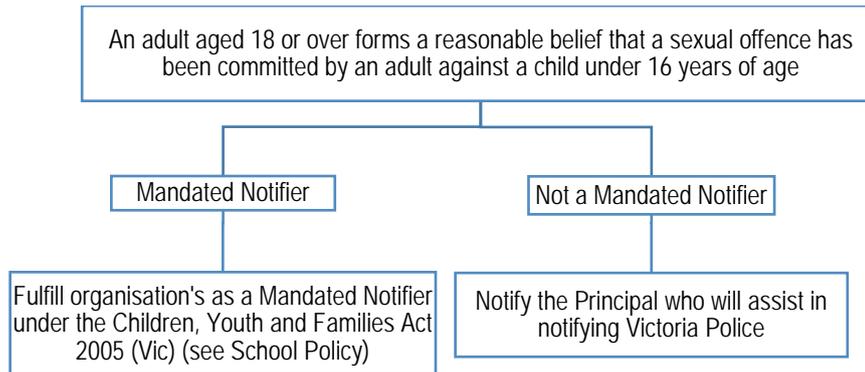
Reasonable excuses for failing to comply with the requirement include:



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- a reasonable belief that the information has already been reported to Police or DHS 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.

Notification Requirements



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 Human Services (DHS).

DHS 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 DHS or reasonably believes a report has been made to DHS. (Please refer to the school's Child Protection and Mandatory Reporting Policy).

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.



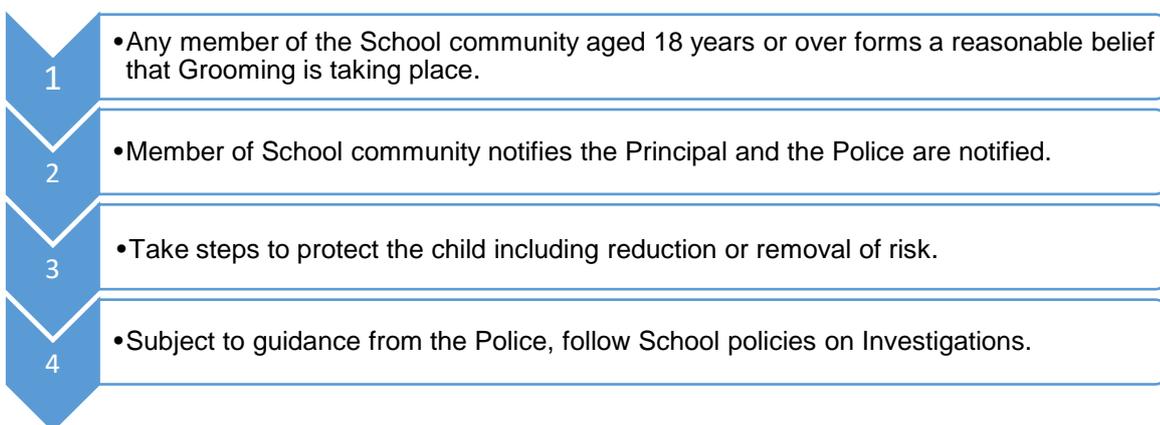
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- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as 'upskirting' 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 Principal. The Principal will ensure that the Police are notified 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

Section 49C of the *Crimes Act 1958* (Vic) states that it is 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

A person associated with the School, 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, 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.

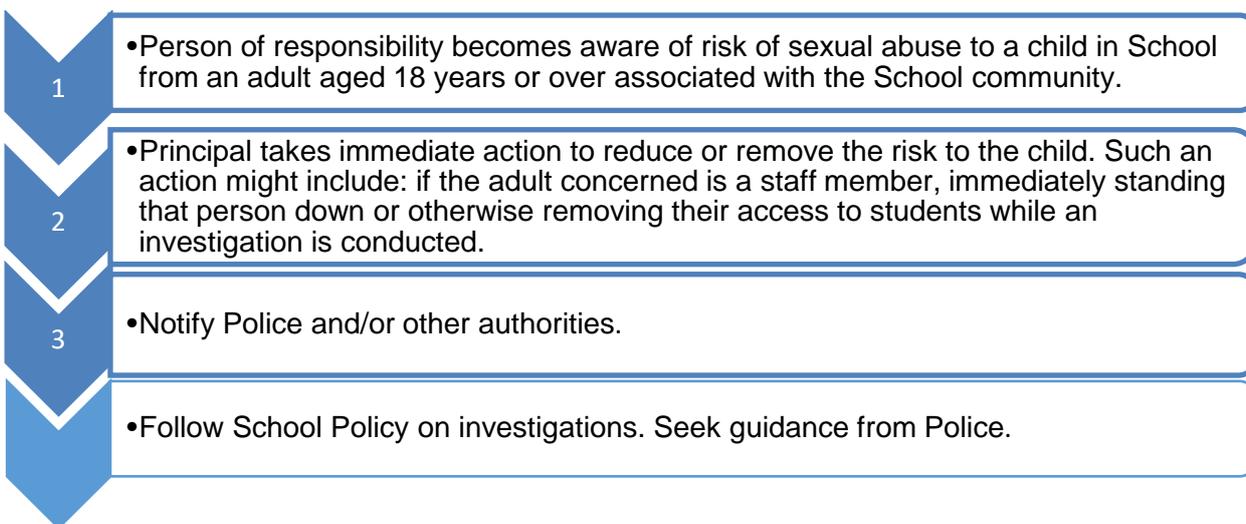


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For the avoidance of doubt, any member of staff or person associated with the School who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Principal as soon as is reasonably practicable.

Procedure

When informed 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 will act to reduce or remove the risk. The person will be removed from any child-related role pending an investigation.



5. Responsibility

The Principal is responsible for ensuring that this policy is adhered and that members of the School Community aged over 18 years of age are informed of their responsibilities.

6. Compliance requirements

- *Crimes Act 1958* (Vic).
- *Education and Training Reform Amendment (Child Safe Schools) Act 2015* (Vic).
- *Crimes Amendment (Protection of Children) Act 2014* (Vic).

7. Associated Documents

- St Catherine's School Child Protection and Mandatory Reporting Policy
- St Catherine's School Child Safe Code of Conduct
- St Catherine's School Child Safe Strategy
- [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' \(Edition 41\).](#)