

# Lyndale Greens

## Primary School

2019

### Child Safe Policy and Statement of Commitment

#### Statement

- Lyndale Greens Primary School is committed to promoting and protecting the best interests of children involved in its programs 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.
- Lyndale Greens Primary School has zero tolerance for child abuse. Everyone working at LYNDALE GREENS PRIMARY SCHOOL is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.
- Child protection is a shared responsibility between LYNDALE GREENS PRIMARY SCHOOL, all employees, workers, contractors, associates and members of the LYNDALE GREENS PRIMARY SCHOOL community.
- Lyndale Greens Primary School routinely considers the opinions of children and is informed by their opinions to develop child protection policies.
- Lyndale Greens Primary School supports and respects all children, staff and volunteers. LYNDALE GREENS PRIMARY SCHOOL is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children experiencing a disability.
- If any person believes a child is in immediate risk of abuse, telephone 000.

#### Aims

To:

- facilitate the prevention of child abuse occurring within Lyndale Greens Primary School
- continue to build an organisational culture of child safety
- prevent child abuse within Lyndale Greens Primary School,
- ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs
- provide guidance to staff, volunteers, contractors as to action that should be taken where they suspect any abuse within or outside of the organisation
- provide a clear statement to staff, volunteers, contractors forbidding any such abuse
- provide assurance that any and all suspected abuse will be reported and fully investigated.

## **Implementation**

### **Responsibilities**

The Lyndale Greens Primary School Council has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The School Council is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The principal of Lyndale Greens Primary School is responsible for:

- dealing with and investigating reports of child abuse
- ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and Lyndale Greens Primary School Codes of Conduct;
- ensuring that all adults within Lyndale Greens Primary School are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Codes of Conduct (particularly as it relates to child safety);
- providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All **DET employees** must ensure that they:

- promote child safety at all times;
- assess the risk of child abuse within their area of control and eradicate/minimise any risk to the extent possible;
- educate employees about the prevention and detection of child abuse; and
- facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

Staff should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

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

- familiarise themselves with the relevant laws, the Codes of Conduct, and Lyndale Greens Primary School policy and procedures in relation to child protection, and comply with all requirements
- report any reasonable belief that a child's safety is at risk to the relevant authorities, such as the police and/or the Department of Health and Human Services, (DHHS) and fulfil their obligations as mandatory reporters;
- report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the college); and
- provide an environment that is supportive of all children's emotional and physical safety.

### **Definitions**

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

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

**Child abuse** means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

**Child sexual assault** is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, a finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child

grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

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

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

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

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

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed if:

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

### **Employment of New Personnel**

Lyndale Greens Primary School undertakes a comprehensive recruitment and screening process for all workers and volunteers, which aims to:

- promote and protect the safety of all children under the care of the organisation;
  - identify the safest and most suitable people who share LYNDAL GREENS PRIMARY SCHOOL and DET values and commitment to protect children; and
  - prevent a person from working at Lyndale Greens Primary School if they pose a risk to children.
- Lyndale Greens Primary School requires all workers/volunteers to pass through the school's recruitment and screening processes prior to commencing their engagement with the school.
  - Persons applying for a role as a teacher with Lyndale Greens Primary School must be registered with the Victorian Institute of Teaching.
  - Lyndale Greens Primary School requires applicants to provide a police check in accordance with the law and as appropriate, before they commence working at the school and during their time with the school at mandated intervals.
  - Lyndale Greens Primary School will undertake thorough reference checks for all potential employees
  - Once engaged, workers/volunteers will be made aware of all policies through the Induction process.

### **Risk Management**

- Lyndale Greens Primary School will ensure that child safety is a part of its overall risk management approach.

## Reporting

- Any staff member, volunteer or contractor who has reason to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their line-manager about their concern.
- In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.
- Supervisors must report complaints of suspected abusive behaviour or misconduct to the principal and also to any external regulatory body such as the police.

## Mandatory/Voluntary Reporting Requirements:

### Mandatory Reporting:

#### Crimes Act 1958 (Vic)

- Mandated reporters: Any person 18 years or older
- A mandated reporter must make a report if:
  - They form a reasonable belief that a sexual offence has been committed in Victoria against a child (a person under 16 years old) by another person of or over the age of 18 years.

Note: exceptions may apply.

#### Children, Youth and Families Act 2005 (Vic)

- Mandated reporters: teachers registered or granted permission to teach under the Education, Training and Reform Act 2006, principals
- A mandated reporter must make a report if:
  - They form a belief on reasonable grounds that a child (a person under 17 years old) is in need of protection from physical injury or sexual abuse
  - The parents cannot or will not protect a child
  - The belief is formed in the course of practicing his/her position of employment.

Note: exceptions may apply.

### Voluntary reporting:

- Any person can make a voluntary report.
- A voluntary reporter may make a report in good faith on any aspect of the wellbeing of a child (a person under 18 years old).

### Making a Report:

Department of Health and Human Services - Southern suburbs: **1300 655 795**

After hours and to report concerns about the immediate safety of a child:

Child Protection Crisis Line (24 hours) **13 12 78**

Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT),

Southern Metropolitan: **(03) 9556 6128**

### Investigating

- If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.
- Whether or not the authorities decide to conduct an investigation, the principal will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the principal may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.
- Any such investigation will be conducted according to the rules of natural justice.
- The principal will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

- After an initial review and a determination that the suspected abuse warrants additional investigation, the principal shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

### **Responding**

- If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached school policies or its Code of Conduct the person concerned may need to be stood down (with pay, where applicable) while an investigation is conducted.
- If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation may also be reported to the Victorian Institute of Teaching (VIT).

### **Privacy**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Lyndale Greens Primary School has safeguards and practices in place to ensure any personal information is protected. For information about how personal information is recorded, what will be done with it, and who will be able to access it, see the college Privacy policy.

### **Related Documents**

This policy must be read in conjunction with:

#### **Victorian Legislation**

Crimes Act 1958 Vic

Education and Training Reform Act 2006

Education and Training Reform Amendment (Child Safe Schools) Act 2015 Ministerial Order 870

Children Youth and Families Act 2005 (as amended)

Working with Children Act 2005

Charter of Human Rights and Responsibilities Act 2006

Crimes Act (Vic) incorporating Crimes Amendment (Protection of Children) Act 2014

Victorian Institute of Teaching Act 2001

National Safe School Framework

#### **Related School Policies**

Child Safety Code of Conduct

Student Code of Conduct

Staff Code of Conduct

Student Behaviour

Bullying and Harassment

ICT Acceptable Use

Mandatory Reporting

Student Safety

Privacy

Staff Recruitment

Staff Induction

Working With Children Check

Visitors

Volunteers

Camps, Tours, Excursions, Incursions and Adventure Activities

## Other

DET Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance - Teaching Service  
[www.education.vic.gov.au/hrweb/workm/Pages/conduct.aspx](http://www.education.vic.gov.au/hrweb/workm/Pages/conduct.aspx)

### Note

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## Evaluation

This policy will be reviewed regularly, and following every reportable incident, a review shall be conducted to assess whether the college child protection policies or procedures require modification to better protect the children under our care.

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| Key Reviewer | Date Ratified                     | Next Review |
|--------------|-----------------------------------|-------------|
| Principal    | <b>27<sup>th</sup> March 2019</b> | 2020        |

| Signatures                           |   |
|--------------------------------------|---|
| Victoria Golding<br><b>Principal</b> | Imran Maniar<br><b>School Council President</b> |