	Policy Name:	OSHC - Child Safety Policy	Date of approval:	May 2020
	Responsible:	OSHC	Review date:	April 2021



## OSHC - CHILD SAFE POLICY

OSHC is committed to the safety and wellbeing of children and young people. Our community recognises the importance of, and a responsibility for, ensuring our school is a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of children and young people, and enables them to thrive in their learning and development.

This policy aims to protect children and reduce any opportunities for child abuse or harm to occur. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, Department policy and procedures and professional standards, codes or ethics as these apply to staff and other personnel. The Principal and school leaders of Rosebud Primary School and OSHC will support implementation and monitoring of the policy, and will plan, implement and monitor arrangements to provide inclusive, safe and orderly schools and other learning environments.

The Principal, school leaders and OSHC of Rosebud Primary School will also provide information and support to enable this policy to operate effectively. All staff, contractors, volunteers and any other member of the OSHC community involved in child-related work are required to comply with the policy by observing expectations for appropriate behaviour below.

This applies in all OSHC situations, including excursions and in the use of digital technology and social media.


This policy takes into account relevant legislative requirements within the state of Victoria, including specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.

### Definitions

**Child:** A child or young person enrolled as a student at the school

**Child Abuse** includes:

- (a) Any act committed against a child involving:
  - (i) A sexual offence
  - (ii) An offence under section 49B(2) of the Crimes Act 1958 (grooming)
- (b) The infliction, on a child of:
  - (i) Physical violence
  - (ii) Serious emotional or psychological harm
- (c) Serious neglect of a child (Ministerial Order No. 870)

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**Child Safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. (Ministerial Order No. 870)

**Child neglect:** The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. (Safe Schools Hub)

**Child physical abuse:** Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. (Safe Schools Hub)

**Child protection:** Statutory services designed to protect children who are at risk of serious harm. (Safe Schools Hub)


**Child sexual abuse:** Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse. Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. (Safe Schools Hub)

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. (Safe Schools Hub)

**Reasonable Belief:** When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as 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.

**School environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including: (a) a campus of the school (b) online school environments (including email and intranet systems) (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). (Ministerial Order No. 870)

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**School staff** means an individual working in a school environment who is: (a) directly engaged or employed by a school governing authority (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) (Ministerial Order No. 870)


### Acceptable behaviours

As staff, volunteers, contractors, and any other member of the school community involved in child-related work individually, we are responsible for supporting and promoting the safety of children by:

- upholding the school’s statement of commitment to child safety at all times and adhering to the school’s child safe policy
- treating students and families in the school community with respect both within the school environment and outside the school environment as part of normal social and community activities
- listening and responding to the views and concerns of students, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students
- promoting the cultural safety, participation and empowerment of students with culturally and/or linguistically diverse backgrounds
- promoting the safety, participation and empowerment of students with a disability
- reporting any allegations of child abuse or other child safety concerns to the school’s leadership
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse

### Unacceptable behaviours As staff, volunteers, contractors, and any other member of the school community involved in child-related work we must not:

- ignore or disregard any concerns, suspicions or disclosures of child abuse
- develop a relationship with any student that could be seen as favouritism or amount to ‘grooming’ behaviour (for example, offering gifts)
- exhibit behaviours or engage in activities with students which may be interpreted as abusive and not justified by the educational, therapeutic, or service delivery context
- ignore behaviours by other adults towards students when they appear to be overly familiar or inappropriate
- discuss content of an intimate nature or use sexual innuendo with students, except where it occurs relevantly in the context of parental guidance, delivering the education curriculum or a therapeutic setting
- treat a child unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- communicate directly with a student through personal or private contact channels (including by social media, email, instant messaging, texting etc) except where that communication is reasonable in all the circumstances, related to school work or extra-curricular activities or where there is a safety concern or other urgent matter
- photograph or video a child in a school environment except in accordance with school policy or where required for duty of care purposes

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- in the school environment or at other school events where students are present, consume alcohol contrary to school policy or take illicit drugs under any circumstances.

**It is a legal requirement for the Principal, Assistant Principal and all teaching staff, OSHC staff and aides to report suspected cases of child abuse and neglect, which is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.**

**Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.**


**A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.**

**School Council and the Principal have the obligation to:**

- Provide all staff with annual training on the Child Safe Standards
- Provide a safe learning community to all people who enter our school and provide education services to our children
- Communicate to the school community about Rosebud Primary School's zero tolerance of child abuse
- Create, pass, implement and review policies and procedures that promote the Child Safe Standards
- Follow DET and VRQA policies in regards to the Child Safe Standards
- Be role models of child safety in our school
- Ensure the school communicates the Child Safe Standards each year to the school community.

**Parents/carers have an obligation to:**

- Take an active interest in their child's education
- Encourage their child to contribute positively to their educational experience and participate fully in the education program at Rosebud Primary School
- Support the school in its efforts to maintain a positive teaching and learning environment
- Support the school values and norms
- Assist children in developing an understanding of safety and respect
- Model and reinforce positive behaviours
- Ensure their child regularly attends school
- Engage with the school to encourage the partnership between home and school in the education and safety of children
- Inform the school of any medical, social/emotional, educational or family situations that may impact their child at school.

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### Staff have the obligation to:


- Meet the standards of the Victorian Institute of Teaching and adhere to the Victorian Teaching Profession Code of Conduct and Ethics
- Ensure the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870
- Teach students an engaging educational program, targeted to their needs and set appropriate and achievable goals
  - Be informed, within privacy requirements, about matters relating to students that may impact on the teaching and learning for that student
- Role model positive, appropriate and safe behaviours
- Teach a strong social and emotional learning program, such as PATHS and our school values/agreements
- Encourage the partnership between home and school in the education and safety of children
- Provide adequate supervision in the school grounds
- Report instances of unsafe situations/behaviours including child abuse as per DET policies
- Record and communicate serious and continuous breaches of school rules
- Fairly, reasonably and consistently implement the school norms and behaviour management policy
- Engage with students in appropriate online forums and not engage with students in inappropriate forums across social media.
- Follow the schools Child Safety Code of Conduct

#### Expectations of our School Staff – Child Safety Code of Conduct

At Rosebud Primary School community, we expect school employees, volunteers and contractors to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements. We have developed a Child Safety Code of Conduct which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees, volunteers and contractors for appropriate behaviour with children in order to safeguard them against abuse and or neglect. Our Code also protects school staff through clarification of acceptable and unacceptable behaviour.

### Students have the obligation to:

- Contribute positively to their educational experience and participate fully in the educational program
- Follow Educators instructions and the school norms
- Respect the rights and property of themselves, other students, school staff, community members, visitors and the school itself.
- Act in a safe and honest manner
- Be responsible and report any incidences of unsafe behaviour to others or themselves to school staff

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- Understand that there will be consequences for their actions – either positive or negative
- Understand that in conflict situations they will be given time to reflect on their behaviour, given time/ strategies to repair relationships and implement acts of restitution to the other party involved.

**Service providers have the obligation to:**

- Sign in and out of the school each time they visit.
- Act in a safe, respectful and appropriate manner in the school.
- Report any unsafe situations and behaviours to school staff.
- Ensure that they comply with the Child Safe Standards through their regulatory body and show evidence of this to the school.

**Parent/carer volunteers and visitors who are working within the school grounds have an obligation to:**

- Sign in and out of the school each time they visit
- Act in a safe, respectful and appropriate manner in the school
- Report any unsafe situations and behaviours to school staff • Ensure all of their documentation (eg. Working With Children Check, Insurance) is up to date and a copy given to the school.


**Reporting and Responding**

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the recommendations of the Betrayal of Trust report. Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. Our school’s Child Protection – Reporting Policy, sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report. Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a ‘reasonable belief’ is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law. Our school has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

**Risk Management**

At Rosebud Primary OSHC we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise. The following table is an example of what will be used to assess risk;


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Risk Event or Environment	Existing risk management strategies or existing controls	Likelihood	Consequence	Current risk rating	New risk management strategies or treatments	Who is responsible?	Target risk rating
No organisational culture of child safety – lack of leadership, public commitment and frequent messaging	Child safety code of conduct Strategies developed to embed culture of child safety	Possible	Severe	Extreme	<ul style="list-style-type: none"> <li>Strategies to embed organisational culture of child safety are reviewed</li> <li>Statement of commitment to child safety is publicly available</li> </ul>	Principal, School Council Chair	Low
Inappropriate behaviour is not reported and addressed	Child safety code of conduct Clear child safety reporting procedures Performance management procedures	Unlikely	Severe	High	<ul style="list-style-type: none"> <li>Strategies to embed organisational culture of child safety are reviewed</li> <li>Refresher training for staff – see eLearning mandatory reporting module</li> </ul>	Principal, School Council Chair	Low
Unquestioning trust of long term employees and contractors or norms	Strategies developed to embed culture of child safety Clear child safety reporting procedures	Possible	Major	High	<ul style="list-style-type: none"> <li>Refresher training for staff – see eLearning mandatory reporting module</li> </ul>	Principal, School Council Chair	Low

### Relevant Legislation

- Children, Youth and Families Act 2005 (Vic.)
- Working with Children Act 2005 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Crimes Act 1958 (Vic.) – Three new criminal offences have been introduced under this Act: a) Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. b) Failure to protect offence: The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the 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.



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- i) Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

### Breach of Policy

Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy, Rosebud Primary School may start the process under Complaints, Misconduct and Unsatisfactory Performance guidelines for managing employment concerns. This may result in disciplinary consequences.

Where the principal is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Regional Director. Relevant notification should also be made to the Department of Education and Training.

Where any other member of the school community is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with: Child Protection – Reporting Obligations, Complaints Resolution Policy and/or contact Department of Education (Conduct and Ethics Branch and Legal Branch) and Department of Health and Human Services (DHHS).

### References

Responding to allegations of student sexual assault

[www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1)

Government Schools Website: [www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards](http://www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards)

Safe Schools Hub 2014, National Safe Schools Framework Glossary, Australian Government Department of Education and Training.

State of Victoria 2016, Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870, Education & Training Reform Act 2006, Victorian Government Gazette No.

S2. Victorian Government Department of Justice 2016, Betrayal of Trust Implementation.

Victorian Institute of Teaching For Victorian Teaching Profession Codes of Conduct and Ethics and information about employee responsibilities to report action against registered teachers in response to allegations and concerns about registered teachers. Website: [www.vit.edu.au](http://www.vit.edu.au)

Last reviewed on: **May 2020**

To be reviewed yearly