Student Wellbeing Policy

Appendix 4 – Child Protection Policy

All schools are required to implement Mandatory Reporting guidelines from the Victorian Government’s amendment to the Children, Youth and Families Act 2005 (CYFA). This legislation is to protect children. Marcellin College supports this legislation to protect children, believing all young people have the right to be protected from all forms of abuse and neglect. As a Marist School Australia – governed school, Marcellin College is also required to adhere to the Marist Child Protection Policy: Keeping Children Safe 2014. The College’s current Child Protection Policy and Mandatory Reporting processes can be viewed on the College Website under Student Wellbeing>Child Protection Policy.

Consistent with Mandatory Reporting legislation each registered teacher is individually mandated to report to the Child Protection Unit of the Department of Human Services – Children, Youth and Families where they have formed a belief, based on reasonable grounds, that a child has suffered physical or sexual abuse.

Understandably, this is a sensitive area and Marcellin College recognises the need for the care and support of staff, as well the protection of the person making the disclosure. This document is intended to support teachers who are concerned that abuse may be occurring.

PROFESSIONAL STANDARDS COMMITTEE

The Professional Standards Committee (PSC) are responsible for ensuring that policies are reviewed and updated as required and that staff are adequately trained on all child protection matters. The PSC meet fortnightly and consists of the College’s Executive Team:

- Principal
- Deputy Principal
- Business Manager
- Assistant Principal (Mission)
- Assistant Principal (Learning)
- Assistant Principal (Operations)

CHILD PROTECTION OFFICERS

Nominated Child Protection Officers (CPOs) are available to listen, discuss and clarify issues confronting individual teachers in relation to child physical and sexual abuse. Marcellin College CPOs will make reports on behalf of the College and ensure that adequate records are maintained. The College CPOs are:

- Deputy Principal, Heads of School and Student Counsellors

RECOGNISING CHILD ABUSE

A person registered as a teacher under the Education, Training and Reform Act 2006, in the course of practicing their profession or carrying out their work, may form a belief on reasonable grounds that a child is in need of protection from physical and/or sexual abuse on a ground referred to in Section 162(c) or 162(d) (CYFA, 2005), formed in the course of practising his or her office, position or employment.

Child abuse may be divided into four categories: physical abuse, sexual abuse, emotional and psychological abuse and neglect. (A child is legally defined as a person under the age of 17 years):

- **Physical abuse**: Physical abuse is any form of non-accidental physical injury or injury which results from willful or neglectful failure to protect a child or young person.
- **Sexual abuse**: Sexual abuse occurs when a child or young person is used by another person for his or her gratification or sexual arousal or for that of others. Possible
- **Emotional and psychological abuse**: Emotional and psychological abuse can be defined when a child has suffered or is likely to suffer emotional or psychological harm of such a kind that the child’s emotional or intellectual development is or is likely to be, significantly damaged and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.
- **Neglect**: Neglect can be defined in terms of an omission, where the child or young person suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care.

A person registered as a teacher is required by law to notify the Department of Human Services – Children, Youth and Families, Child Protection Unit, as soon as practicable after forming such a belief and after each occasion on which he/she becomes aware of any further reasonable grounds for the belief. Note it is not mandatory to report emotional and psychological abuse or neglect but you are at liberty to do so.

Reasonable Grounds

You have reasonable grounds to notify when:

- a child tells the professional that he/she has been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused. (Sometimes the child is talking about themselves.)
- someone else, such as a relative, friend, acquaintance or sibling of the child, tells the professional that the child has been abused;
- the professional’s observations of the child’s behaviour or knowledge of children generally leads him/her to believe that the child has been abused; or
- the professional observes physical signs or indicators of abuse (e.g. Bruises, cuts).

PREVENTION

All staff employed by Marcellin College as classroom teachers must be registered with the Victorian Institute of Teaching, which includes Working with Children Check (WCC). Teaching staff must provide evidence of such registration before employment. They are also informed of the College’s Child Protection Policy within their Letter of Appointment.

All non-teaching staff employed at Marcellin College are required to have a current employee Working with Children Check (WCC). The College's HR/Payroll Officer records all WCC on a spreadsheet that is checked annually to see who requires a renewal. As a requirement by the Catholic Education Office the College has to annually submit a detailed report on all non-teaching staff and their WCC details.

A Marist Vision for Marcellin College.
Communication
The College is pro-active in the area of prevention and the table below shows all forms of communication to students, parents/guardians, staff and the extended community relating to our Child Protection Policy and appropriate professional learning. Child Protection Officers are responsible for overseeing the communication to students, parents/guardians, staff and the extended community relating to our Child Protection Policy, policy definitions and appropriate professional learning.

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RESPONDING & REPORTING
All States and Territories make it mandatory for teachers to report physical and/or sexual abuse and reasonable suspicion of abuse involving children and young people.

In the case of an allegation being made against a Brother, a member of staff or a volunteer, the Professional Standards Officer or Child Protection Officer will follow the reporting procedure as required by Children, Youth and Families Act 2005 and consistent with the expectations by Marist Schools Australia. Steps are taken to ensure that the safety of the child is paramount. An initial first step is to withdraw the accused person from active duty, which could entail standing down, re-assignment to other duties that do not have direct contact with children or young people, or to work under increased supervision during the period of investigation or other measures as deemed appropriate – depending on the seriousness of the allegation.

An independent investigation is to be conducted into the allegation, if appropriate, and allowed by Police. The outcome depends on the findings of the investigation.

Case Management
In the event of a child or young person disclosing an incident of abuse to someone they trust, it is essential that it is dealt with sensitively and professionally. Please refer to the procedures on Case Management (Appendix 3 to the Student Wellbeing Policy for further information).

RECORD KEEPING
All reports of alleged abuse or harm, or risk thereof, are duly recorded. Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable. Reports need to be securely stored.

CONFIDENTIALITY
As much as is reasonably possible, an individual’s right to privacy is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where there is suspected or alleged abuse or misconduct, staff members must not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this policy and relevant statutory requirements and in seeking legal advice.

Any person making a credible report of abuse needs to be advised that the report will be investigated and dealt with by the appropriate authorities. While an individual’s name may be protected, if that is their wish, the allegations must always be reported. In all cases where choices have to be made, the best interests of the well-being of the child or young person should prevail.

PROTOCOLS & GUIDELINES OF CONDUCT
Any form of abusive, harmful, discriminatory, prejudiced or intimidating behaviour or language by adults towards children and young people, or young people towards other young people, are not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are negatively and unreasonably critical of a person’s culture, ethnicity, language, gender, disability, sexuality or age, are unacceptable.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour as outlined in the Marist Schools Australia Child Protection Policy – Keeping Children Safe (2014) document.

1. Unacceptable behaviours
   - Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
     - Swearing in the presence of minors
     - Yelling at a minor, except in an emergency situation where the minor’s safety may be in danger
     - Dealing with a minor while the adult is angry with the minor
     - Use of hurtful sarcasm
   - Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
   - Using, possessing, or being under the influence of alcohol while supervising minors.
   - Providing or allowing minors to consume alcohol or illegal drugs.
   - Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church’s teachings on these topics.
   - Discussing sexual activities with minors unless it is a specific job requirement and the person is trained to discuss these matters.
   - Being nude in the presence of minors.
   - Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
   - Sleeping in the same beds, sleeping bags or small tents with minors.
   - Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.
2. **Transportation and off-site events**
   a) Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport minors without written permission of their parent or guardian.
   b) It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.
   c) Minors should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
   d) It is prohibited to have minors spend the night at the residence of a staff member or Brothers’ community without parental/guardian prior approval.
   e) Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

3. **Physical Contact and general guidelines**
   a) All Teaching Staff are required to follow the Victorian Institute of Teaching’s (VIT) Code of Conduct. Example:
      i. Principle 1.2: Teachers treat their students with courtesy and dignity
         a. work to create an environment which promotes mutual respect
         b. model and engage in respectful and impartial language
         c. protect students from intimidation, embarrassment, humiliation or harm
   b) Staff members are prohibited from using physical discipline in any way for behaviour management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by minors.
   c) Physical contact may be required in an emergency situation to remove minors quickly from danger or threat of danger.
   d) Appropriate contact between staff members and minors is part of normal human relationships. Some considerations and guidelines include the following:
      i. Consider the child’s age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
      ii. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements.
      iii. Be alert to cues from minors about how comfortable they are in your proximity and respect their need for personal space.
      iv. Be sensitive when interacting with minors who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
      v. Be aware of cultural norms that may influence the interpretation of your behaviour.
      vi. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
      vii. Physical contact should be made in a way that makes minors feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a minor or allowing a minor to massage you is inappropriate physical contact.
      viii. The use of images of minors as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of minors must be for educational or professional purposes.
      ix. Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having ‘special time’ with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
      x. Obtain permission from school authorities and parents when meeting with students for activities outside of school hours.
      xi. The provision of your personal contact details should be justified in terms of educational or professional purpose.
**INTERNAL PROCEDURES FOR REPORTING**

**Step 1:**
When a staff member forms a belief, on reasonable grounds, that a child is in need of protection because of physical injury and/or sexual abuse, it is a legal requirement that he/she must make a report to the Department of Human Services – Children, Youth and Families (DHS) as soon as practicable.

The individual staff member must discuss these observations and concerns with the Deputy Principal, relevant Head of School or a Student Counsellor who will then make the report to DHS. This will provide an opportunity to discuss and clarify any issues involved in a confidential environment. It will be confirmed to the staff member involved when the report has been made by the appropriate Child Protection Officer.

If a staff member only suspects that a child is in need of protection from physical injury and/or sexual abuse, it is recommended that the staff member keeps brief notes of his/her concerns and observations in a confidential file after discussing the issue with the Deputy Principal, relevant Head of School or a Student Counsellor.

**Step 2:**
It may be that, following the previous step, the individual staff member decides to make a report to the Department of Human Services – Children, Youth and Families with the support of a Student Counsellor, relevant Head of School and the Deputy Principal must be informed that a report is being made.

**Making a Report:**
Ring DHS at the Eastern Region office on 1300 360 391, Ask for Child Protection.

**Information for Making a Report:**
- Name, age and address of student
- The reason for suspecting that the behaviour or injury is a result of abuse
- An assessment of the immediate danger to the student
- A description of the injury or behaviour observed
- The current whereabouts of the student
- Any other information about the family
- Any specific cultural details, e.g. English speaking, Disability, etc.

Ask that the College be informed of each step of the procedure.

Request that if an interview is to take place at the College the visiting police officer is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized.

When the staff member informs the Deputy Principal that he/she is to make/has made a report, a Case Management Group that may consist of the Deputy Principal/Head of School/House Coordinator/Student Counsellor will be set up to discuss the matter and to offer support to the student and staff member concerned.

If the complainant alleges that a crime has been committed by a Marcellin staff member, that person is immediately stood aside, the Principal will then establish a suitably independent investigation by a qualified person and notify the Executive Director of Marist Ministries.

**Step 3:**
If the student is agreeable to be interviewed by DHS, a member or members of the Advisory Group should offer to be present at the interview to give support to the student.

**Step 4:**
For a variety of reasons, following a report, the Department of Human Services – Children, Youth and Families may need to contact the Principal in regard to notification. It would be a matter of courtesy to inform the Principal that a report has been made, or is about to be made.

**Step 5:**
Following a report, it is important to protect confidentiality and the interests of the child and family at all times.

**Special comments:**
- Human Services will only interview the student if he/she is agreeable.
- The family will not be contacted until it is believed there is a case and the student is at risk.
- If the incident which caused the report to be made has occurred in the past - the student may be seen to be no longer at risk and no further action may be taken.
- The identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives written permission for the information to be divulged. Such confidentiality should also be requested by members of the Case Management Group and any other person who may become aware that a notification is to be, or has been, given.
- Throughout the entire process of observation, discussion and reporting, the interests of the child and the child’s family should be protected from unnecessary disclosure of information concerning abuse.
- Following the making of a report to the DHS, any investigation that takes place is the responsibility of Human Services.
Related legislation
- Children, Youth and Families Act 2005
- Crimes Act 1958
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001

Further advice and support is available from the Student Wellbeing Unit of the Catholic Education Office, Melbourne, 9267 0228.

Department of Human Services – Children, Youth and Families – Eastern Region 1300 360 391 – After hours 131 278

Child Protection Crisis Line – 24 Hours, 7 Days a Week. Telephone: 13 12 78