

CHILD SAFE STANDARDS POLICY

OUR VISION

Wild Cherry School strives to educate and support the development and potential of each individual child, whilst fostering a creative and ethical community.

OUR VALUES

- Fostering a desire in our students to aim for academic and artistic excellence by providing them with a rich, diverse, and integrated Steiner curriculum.
- Inspiring the children with a lifelong love of learning, a morality that strives for goodness, an appreciation of beauty, and a pursuit of truth.
- Developing respect, trust, and caring for themselves, each other, the broader community, and the earth.

PURPOSE

Wild Cherry School is committed to creating and maintaining a school in which all children and young people are safe from harm.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

We are committed to the safety, participation and empowerment of all children.

We have zero tolerance of child abuse.

PRINCIPLES

- The values and ethos as set out in the school's philosophy form the foundation for the Child Safe Standards Policy.
- The school, those that work in it and its wider community together have a duty of care to protect children and young people from harm through all forms of abuse or neglect.
- The school is committed to ensure that this duty is embedded in the everyday thinking and practice of the school and that children are safe.
- In discharging its duty of care, the school is committed to take account of the diversity of all children, including the needs of Aboriginal children, children from culturally and linguistically diverse backgrounds, children with disabilities and children who are vulnerable.

AIMS OF THIS POLICY

- To protect students in our care from abuse.
- To create and maintain a culture of child protection within the school and its community.
- To comply with the Child Safe Standards as set out in the *Child Wellbeing and Safety Amendment (Child Safe Standards)* Act 2015
 - Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.

- Standard 2: A child safe policy or statement of commitment to child safety.
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children.
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
- Standard 5: Processes for responding to and reporting suspected child abuse.
- Standard 6: Strategies to identify and reduce or remove risks of child abuse.
- Standard 7: Strategies to promote the participation and empowerment of children.
- To comply with the specific requirements as set out in Ministerial Order 870.

LEGAL AND REGULATORY BASIS FOR COMPLIANCE

VICTORIAN GOVERNMENT ACTS - DUTY OF CARE

- *Child Wellbeing and Safety Act 2005 (Vic)* (the Act) establishes the principles for the wellbeing of children; sets the standards framework, provides for the oversight functions of the Commission for Children and Young People (CCYP) and the Reportable Conduct Scheme.
 - *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)*
 - *Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)* provides for the protection of children including mandatory reporting.
- *Crimes Act 1958 (Vic)*
 - *Crimes Amendment (Grooming) Act 2014 (Vic)*
 - *Crimes Amendment (Protection of Children) Act 2014* provides for the offences of failure to protect and failure to disclose.
- *Wrongs Act 1958 (Vic)*
 - *Wrongs Amendment (Organisational Child Abuse) Act 2017 (Vic)* imposes a duty of care to prevent physical or sexual abuse of children committed by people associated with the organisation.
 - *Worker Screening Act 2020 (Vic)* assists in protecting children from sexual or physical harm through the provision of a screening process.
- *Education and Training Reform Act 2006 (Vic)*
 - *Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018 (Vic)* aligns the Victorian Institute of Teaching (VIT) scheme for registering teachers with the Worker Screening Act 2020 (Vic).

OTHER REGULATORY INSTRUMENTS AND REPORTS

- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards 2021.
- Ministerial Order 870 January 2016 (Vic) – Managing the Risk of Child Abuse in Schools.

- Betrayal of Trust Report 2014 (Vic)
- National Principles for Child Safe Organisations, Australian Human Rights Commission 2018 and adopted by the Council of Australian Governments in February 2019.
- Review of the Victorian Child Safe Standards, December 2019.

KEY DEFINITIONS

- Duty of care
 - The school has a responsibility to ensure reasonable care is taken to protect students from harm. The school's duty of care is **non-delegable**, that is the school cannot discharge its duty of care by delegating this responsibility to another person or entity.
 - The school's non-delegable duty of care extends to ensuring the safety and welfare of students when they are engaged in off-site activities and when learning with another provider.
 - The school as a legal entity can be sued for a breach of this duty.
 - The school's duty of care is higher than that which applies to teachers.
 - The school has a different and sometimes greater duty of care with respect to younger children and children with disabilities.
 - The school has a responsibility to make sure all staff are aware of their legal obligations relating to their individual duty of care.
 - The way in which the school's duty is discharged is through the leadership, decisions, actions (and omissions) of those designated as responsible persons.
- Organisational child abuse: A specific duty of care lies with schools and other organisations that care for children. This duty, legislated in the *Wrongs Amendment (Organisational Child Abuse) Act 2017 (Vic)*, requires such organisations to prevent the physical and sexual abuse of children in their care committed by individuals associated with the organisation.
- Child safety encompasses matters related to protecting all children and young people 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.
- Child abuse includes:
 - any act committed against a child involving:
 - i. a sexual offence; or
 - ii. an offence under section 498(2) of the Crimes Act 1958 (grooming) and the infliction on a child of physical violence; or
 - iii. serious emotional or psychological harm; and
 - iv. serious neglect of a child.
- Ministerial Order 870 defines a **child** as a child enrolled as a student at the school.
- Everyone working with children and doing child connected work is required to be screened and to hold a current Working With Children check clearance.

- The school is responsible for making sure all employees, volunteers, contractors and others who fall within the definition of those undertaking child connected work have a current check.
- The school must retain an up-to-date register of all Working With Children check clearances and have evidence of how the register is maintained.
- **Child connected work** means work authorised by or on behalf of the governing board and performed by an adult in the school environment while children are present or reasonably expected to be present.
- The **school environment** means any physical or virtual place made available or authorised by the governing board for use by a child during or outside school hours, including:
 - a campus of the school;
 - online school environments (including email and intranet systems); and
 - 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).
- **Child protection** is the statutory child protection service provided by the Department Health and Human Services (DHHS), which can intervene to protect children and young people at risk of significant harm.
- Sitting alongside the Victorian Child Safe Standards are the following mandated requirements:
 - **Mandatory reporting:** *The Children, Youth and Families Act 2005* places an obligation on principals, teachers and others working in schools to make a report to the DHHS if they believe on reasonable grounds that a child is in need of protection from significant harm because of physical or sexual abuse.
 - **Failure to disclose:** Any adult (not just those who work with children) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child must report that information to Victoria Police. This offence is legislated in the *Crimes Amendment (Protection of Children) Act 2014*.
 - **Failure to protect:** *The Crimes Act 1958 (Vic)* provides that people in positions of authority such as principals must take action to protect children and young people where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.
 - **Reportable Conduct Scheme:** *The Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)* requires principals to have in place systems to prevent child abuse and to investigate and respond to such allegations. Principals are required to report allegations of child abuse to CCYP. The Reportable Conduct Scheme does not replace Mandatory Reporting requirements nor the need to report allegations of child abuse, criminal conduct and family violence to Victoria Police.
 - **Reporting obligations of principals to VIT:** As from 1 September 2019, schools must notify the VIT if a registered teacher is charged with, been convicted or found guilty of a category A or category B sexual offence.

SCOPE

- This policy applies to members of the governing Board (as individual members of the Board as well as to the Board as an entity), the School Leaders, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment.
- The application of the policy also sets out the school's expectations of parents, visitors and older students and the part they play in ensuring the safety of children in the school.

- The school's duty of care is non-delegable. This policy applies when children are learning with an external provider.

ROLES AND RESPONSIBILITIES

- The governing Board is responsible for authorising the Child Safe Standards Policy, for overseeing its implementation and for managing the risk of child abuse.
- The governing Board and the School Leaders are responsible for meeting the requirements of Ministerial Order 870.
- The School Leaders are responsible for the culture of the school in which this policy is embedded in the everyday thinking and practice of the school and that children are safe.
- The School Leaders are also responsible for ensuring appropriate arrangements for child safety (including, without limitation, clear and comprehensive policies, procedures, accountability mechanisms and communication strategies) are implemented, monitored and reviewed within the school.
- The School Leaders are responsible for ensuring all staff are aware of their legal obligations.
- The School Leaders are the Child Safety Officers and are responsible for implementing the school's child safe standards policy and the mandated requirements of Ministerial Order 870. Staff may seek advice from the child safety officer if they have concerns about child safe matters and when considering whether to make a report about a child in need of protection.
- All staff, contractors and volunteers have a duty of care to protect children from harm and a responsibility to comply with the school's child safe standards policies and procedures.
- Legal obligations to report:
 - Duty of care – all staff, contractors and volunteers.
 - School Leaders, teachers (and others working in schools such as medical practitioners, nurses, police, psychologists) are considered mandatory reporters.
 - Failure to disclose – all adults.
 - Failure to protect – adults in positions of authority.
 - Reportable Conduct – School Leaders.

COMMUNICATION OF THE POLICY

- From time to time, the school will make public statements to demonstrate its commitment to child safety and to raise an awareness of the school community's collective responsibility to ensure all children are safe from harm.
- This policy and relevant policy implementation documents will be made publicly available on the school's website and from the school office.
- The school will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's Child Safe Standards Policies, procedures and allocated roles and responsibilities.

- The school will require all staff to confirm in writing when appointed and thereafter on an annual basis that they know their legal obligations and that they have read and understood the school's Child Safe Standards Policies and procedures.

POLICY IMPLEMENTATION DOCUMENTS

The documents setting out the strategies and actions required to implement this policy are:

- Child Safe Standards checklist.
- Child Safe Standards in a child and/or student version.
- Child Safe Standards reporting procedures.
- Reporting flow chart including mandatory reporting.
- Strategic plan to embed a culture of child safety in the school.
- Strategic plan to identify and reduce or remove risks of child abuse including grooming.
- Detailed roles and responsibilities for implementing the School's Child Safe Standards Policy.
- Communication plan to inform the school community about the school's Child Safe Standards Policies and procedures, allocated roles and responsibilities.
- Child Safe Standards policy review procedures.
- Child Safe Standards implementation monitoring and review procedures.
- Code of Conduct.
- Staff Induction checklist.
- Training in relation to the National Principles for Child Safe Organisations.
- Training policy to include training in the School's Child Safe Standards Policy.
- Training and guidance in recognising the signs and indications of different types of child abuse and grooming.
- Strategic plan to promote child empowerment and participation.

LINKS TO OTHER POLICIES

- Duty of Care
- Mandatory Reporting Policy
- Student Wellbeing Policy
- Acceptable Internet and Social Media use Policy
- Recruitment Policy
- Training Policies
- Risk Management Policy

- Code of Conduct (staff)
- Supervision Policy
- Restrictive Interventions Policy
- Health and Safety Policy
- Privacy Policy
- Record Management Policy (including Archiving Policy)
- Complaints Policy
- Whistleblower Policy
- Reportable Conduct Policy

POLICY REVIEW

Wild Cherry School is committed to the continuous improvement of the policies and procedures making up our entire Child Safe Policies and of our child safety and wellbeing practices. The policies and practices as a whole are reviewed biennially (or earlier if a significant child safety incident occurs at the School or legislation changes) for overall effectiveness and to ensure compliance with all child safety and wellbeing related laws, regulations and standards. When undertaking these reviews, the School: actively seeks, actions, and incorporates feedback from students, families, the wider School community, staff, volunteers and contractors analyses any complaints and child safety incidents that may have occurred communicates any learnings, adjustments or amendments to policy and practice widely throughout the School community.

The governing Board will require the School Leaders to report on the implementation of the Child Safe Standards Policy at each Board Meeting.

Date Approved:

Date for Review:

APPENDIX A: NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.
- Australian Human Rights Commission 2018

APPENDIX B: PRINCIPLES FOR INCLUSION

Wild Cherry School places a high priority on inclusion by building on a shared understanding of support, tolerance, acceptance and collaboration.

At Wild Cherry School we work to create an inclusive and supportive environment that encourages participation by all students and families by:

- Celebrating and publicising dates on the diversity calendar. NAIDOC Week, Reconciliation Day, Harmony Day, National Day of Action Against Bullying and Violence, International Day of People with Disabilities, World Refugee Day.
- Ensuring that our physical, virtual and online environments are friendly and welcoming to all children and young people.
- Having Class Teachers actively seeking to include students in decisions that affect them during morning circle, assembly and in small focus group. This includes decisions about organisational planning, delivery of services, management of facilities, and learning and assessment environments.

Through our delivery of Australian Steiner Curriculum Framework, The Resilience Project and Wild Cherry 'Growing up' program, we:

- Ensure that students know about their rights to safety, information and participation.
- actively seek to understand what makes students feel safe in our School and regularly communicate with students about what they can do if they feel unsafe.
- recognise the importance of friendships and encourage respectful relationships, strong friendships, and support from peers.

Wild Cherry is committed to the Principles of Participation and Three key principles underpin the participation of students at Wild Cherry:

- Empowerment: which involves students having greater control or say over their lives through participation.
- Purposeful Engagement: which involves students taking on valued roles, addressing issues that are relevant to them, and influencing real outcomes.
- Inclusiveness: which involves ensuring that all students are able to participate

APPENDIX C: SUPPORT FOLLOWING CHILD SAFETY INCIDENT OR DISCLOSURE PROCEDURE

Child safety incidents or concerns can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral to the relevant authorities, the School plays a central role in addressing this trauma and has a duty of care to ensure that the students feel safe and supported at School.

The School also has a duty of care to staff members who may witness a child safety incident or who receive a disclosure of child abuse and other harm.

TRAUMA INFORMED CARE

Trauma informed care is an approach to providing support to victims that aims to do no harm, i.e. the process of providing support does not re-traumatise or blame victims for their efforts to manage their traumatic reactions and it embraces a message of hope and optimism that recovery is possible.

The core trauma-informed care principles, as described by the Blue Knot Foundation, are:

- Safety – emotional as well as physical
- Trust – being sensitive to people's needs
- Choice – providing the opportunity for choice
- Collaboration – 'doing with' rather than 'doing to'
- Empowerment – empowering people is a key focus
- Respect for Diversity – in all its forms

SUPPORT FOR THE STUDENT IMMEDIATELY FOLLOWING THE INCIDENT OR DISCLOSURE

Staff members should take the following steps to support and assist a student after a child safety incident or a disclosure of child abuse or other harm is made.

The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to the student
- the capability and willingness of the parent/carer to protect the student from harm

After a disclosure is made:

- do not promise the student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the student that telling an adult was the right thing to do
- tell the student what you plan to do next
- discuss the matter with one of the School's Child Safety Officers who will assist you in developing additional support strategies for the student
- whenever there are concerns that a student is in immediate danger the Police should be called on 000.

ONGOING SUPPORT FOR THE STUDENT AND FAMILY: STUDENT SUPPORT PLAN

If a student is impacted by a child safety incident or concern, Child Safety Officers will work with the student and their family to develop a Student Support Plan and engage external support services, using trauma-informed care principles.

Students and parents/carers are also able to contact one of the School's Child Safety Officers to access support.

GUIDELINES FOR DEVELOPING THE STUDENT SUPPORT PLAN

Support strategies that could be considered for students and/or their families following disclosure might include offering or organising referrals to internal or external support, such as the School Chaplain, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

When supporting a student with disability who has been impacted by a child safety incident or concern, the School considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies
- the student's vulnerability to ongoing abuse and other harm when considering the need to make a further report and/or implement further risk mitigation strategies.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, the School provides culturally appropriate support. Where possible the School will work with relevant cultural support groups, ensure that the family's privacy is maintained, and engage an interpreter when communicating with the student's family.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student and their family.

SUPPORT FOR FORMER STUDENTS

Staff members should take the following steps to support and assist a former student after a disclosure of past abuse or other harm during their time at School. The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to current students
- if the former student is still a child or young person, the capability and willingness of their parent/carer to support the former student

After a disclosure is made:

- do not promise the former student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the former student that it was the right thing to do to tell the School about the allegation
- tell the former student what you plan to do next

- discuss the matter with one of the School's Child Safety Officers who can assist you in developing additional support strategies for the former student

Whenever there are concerns that there may be immediate danger the Police should be called on 000.

Additional support strategies that should be considered, in consultation with a Child Safety Officer, for former students following disclosure might include offering or organising referrals to internal or external support, such as the School Counsellor, bi-cultural workers and/or translators, or an external support or advocacy organisation.

SUPPORT FOR STAFF, VOLUNTEERS AND CONTRACTORS

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for Staff, Volunteers and Contractors involved. The School assists impacted Staff, Volunteers and Contractors to access necessary support.

Refer to our School Counsellor.

The School has also appointed a number of Child Safety Officers, including a Senior Child Safety Officer, who can support staff members, Volunteers and Contractors when responding to child safety issues and disclosures of abuse or other harm.