

## **Child Protection Program**

### **Sidrah Gardens School's Child Protection Program**

**Sidrah Gardens School is committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe, and are able to actively participate in decisions that affect their lives.** This Child Protection Program is made up of work systems, practices, policies and procedures designed to maintain a child safe environment and to embed an organisational culture of child safety within the School community. The Program deals specifically with child protection issues and is designed to ensure compliance with the Victorian Child Safe Standards and related child protection laws. Broader child safety issues arising from our common law duty of care are dealt with through our **Student Duty of Care** policies and procedures.

If you have a belief or suspicion that a child is being, or has been, subjected to any form of abuse you must contact **DHHS Child Protection** or, where you need guidance on making a report or have questions regarding child safety, contact one of the School's appointed Child Safety Officers. Click **here** for full contact details. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### **Key Definitions in Our Child Protection Program**

**Direct Contact Volunteers** are volunteers who are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.

The Working with Children Act 2005 defines “**direct contact**” in section 3 as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Direct Contact Volunteers may have:

- limited supervision by School staff in their role
- significant amounts of 1:1 time with students
- supervisory responsibility for a group of students with only broad and indirect oversight of a School staff member
- full supervisory responsibility for one or more students, such as in a sports coaching role or learning support role.

Examples of Direct Contact Volunteer activities may include volunteers involved in School camps and excursions, coaching sporting teams, assisting in learning activities or administrative roles.

Refer to **Direct Contact Volunteers' Responsibilities** for more information.

**Indirect Contact Volunteers** are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students.

Examples of Indirect Contact Volunteer activities may include assisting with School administrative functions.

Refer to **Indirect Contact Volunteers' Responsibilities** for more information.

Where the term "**Volunteer**" is used, it captures both "Direct Contact Volunteers" and "Indirect Contact Volunteers".

**Direct Contact Contractors** are third party contractors who have direct contact with students during the normal course of their work or contractors who may be in a position to establish a relationship of trust. This also includes any contractors that the School is legally required to screen.

The definition of "**direct contact**" included under Direct Contact Volunteers applies to Direct Contact Contractors.

Examples of Direct Contact Contractor activities may include tutors, sports coaches and casual teachers.

Refer to **Third Party Contractors' Responsibilities** for more information.

**Indirect Contact Contractors** are third party contractors who are not Direct Contact Contractors.

Refer to **Third Party Contractors' Responsibilities** for more information.

Where the term "**Third Party Contractor**" is used, it captures both "Direct Contact Contractors" and "Indirect Contact Contractors". Refer to **Third Party Contractors' Responsibilities** for more information.

**School Environment** means any physical or virtual place made available or authorised by the Board of Directors for use by a child during or outside school hours, including:

- a campus of the School
- online School environments (including email and intranet systems)
- 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).

### **Our Child Safety Officers - Make a Report**

Sidrah Gardens School has appointed the people listed below as the School's Child Safety Officers.

Each Child Safety Officer is available to answer any questions that you may have with respect to our Child Safe Policy and the Child Protection Program.

Child Safety Officers are selected based on a number of considerations, namely:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality.

- their role within the School, for example, a person who has seniority and experience working with complex student and family issues at the School and someone who is readily accessible and available to all members of the School community
- their personal profile within the School, for example, a person who is approachable, who students and staff trust and who is willing and able to respond to issues personally and sensitively.

The School's Child Safety Officers can be your first point of contact for reporting child protection issues within the School.

If you have any concern that a child may be experiencing any form of **abuse**, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of our Child Safety Officers. Please be aware that consulting with a Child Safety Officer does not change any obligation you have under legislation to report to an external authority. Refer to our **Procedures for Responding to and Reporting Allegations of Child Abuse**.

**The welfare and best interests of the child are paramount.**

**Whenever there are concerns that a child is in immediate danger the Police should be called on 000.**

### **Our Senior Child Safety Officer**

Sidrah Gardens School has appointed **the Principal CPO** as the School's Senior Child Safety Officer. The Senior Child Safety Officer has an important role in the promotion and maintenance of our child protection culture at the School.

The Senior Child Safety Officer is identified in our publicly available **Child Safe Policy** as a contact for the wider community when they have child protection concerns relating to the School.

### **Definition of Care, Supervision or Authority**

It is important to understand the definition of the legal phrase “care, supervision or authority” and its applicability to staff. The phrase is central to several offences under the Crimes Act 1958 .

Under section 37 of the Crimes Act the circumstances in which a person will have a child (under 18) under their care, supervision or authority include if the person is:

- the child’s parent or step-parent;
- the child’s teacher;
- the child’s employer;
- the child’s youth worker;

- the child's sports coach;
- the child's counsellor;
- the child's health professional;
- a person with parental responsibility for the child;
- a religious or spiritual guide, or a leader or official (including a lay member) of a church or religious body, however any such guide, leader, official, church or body is described who provides care, advice or instruction to the child or has authority over the child; or
- a police officer acting in the course of their duty in respect of the child.

At the School persons in positions of care, supervision or authority over a child will include teaching staff, sports coaches, youth workers, counsellors, registered nurses and religious leaders or officials. All members of the School community must be aware that if they engage in certain conduct in breach of this Program, their conduct may constitute a sexual offence under the Crimes Act. For those persons who have a child under their care, supervision or authority, additional offences may apply. Refer to our **Child Safe Code of Conduct** and **Staff and Student Professional Boundaries** policy.

### **Sexual Offences**

A sexual offence occurs when a person involves a child (under 18) in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Children may be bribed or threatened physically or psychologically to make them participate in the activity. Sexual offences are outlined in section 35 of the Crimes Act 1958 . Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

This Program addresses in more detail certain sexual offences which involve behaviour that is intended to prepare or facilitate a child's involvement in sexual activity or conduct. These are **grooming behaviour** and the **encouragement of a child** to engage in, or be involved in, sexual activity. This is because the breadth of these offences and the nature of professional boundaries between School staff and students means that staff must be aware that certain behaviours will not only breach **Staff and Student Professional Boundaries**, but may also amount to a criminal offence.

### **Possible Physical Indicators that a Sexual Offence Has Occurred**

- injury to the genital or rectal areas, such as bruising or bleeding
- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating

- presence of foreign bodies in the vagina and/or the rectum
- inflammation or infection of genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections

### **Possible Behavioural Indicators that a Sexual Offence Has Occurred**

- the student discloses sexual abuse
- persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at school and leaving late
- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting
- sleeping difficulties
- reluctance to participate in physical or recreational activities
- regressive behaviour, such as bedwetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour
- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing, or layers of clothes to hide injuries
- promiscuity

### **Student Sexual Offending**

Unwanted sexual behaviour towards a student by a child 10 years or over can constitute a sexual offence and is referred to as student sexual offending. All incidents, suspicions and disclosures of

student sexual offending must be responded to in accordance with the School's **Student Sexual Offending** procedures.

### **Encouragement to Engage in Sexual Activity**

It is a criminal offence for an adult to encourage a child to engage in, or to be involved in, sexual activity where the adult seeks or gets sexual arousal or sexual gratification from the encouragement or the sexual activity.

There are two "encouragement" offences in the Crimes Act 1958 :

- section 49K: encouraging a child under the age of 16 to engage in, or be involved in, sexual activity
- section 49L: encouraging a child aged 16 or 17 under **care, supervision or authority** to engage in, or be involved in, sexual activity

A section 49K offence carries a maximum 10 year term of imprisonment. A section 49L offence carries a maximum five year term of imprisonment.

The Crimes Act 1958 defines “**encourage**” to include suggest, request, urge and demand. Examples of encouragement include offering money or gifts or threatening harm. It can be done in person or by electronic communication. An example of conduct prohibited by these offences is an adult asking a child to watch inappropriate material. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

The encouragement offences cover conduct that is similar to **grooming** but are broader. Both the encouragement and grooming offences are ‘preparatory’ offences, but encouragement behaviour occurs at a later stage to grooming, or closer to the substantive sexual offence. The encouragement offence applies to sexual activity that would otherwise not be a criminal offence. For example, if a student was encouraged to watch inappropriate material in contravention of sections 49K or 49L, the act of watching is not a sexual offence, but the encouragement would amount to an offence.

**Note:** Both offences of grooming and encouragement to engage in sexual activity are sexual offences reportable under every adult’s **Obligation to Report a Sexual Offence**.

Possible indicators of adult encouragement behaviour would include those that may indicate **grooming** however the pattern of behaviours would not be required. The encouragement would normally be more sexualised.

### **Grooming**

Grooming is defined by the Royal Commission into Institutional Responses to Child Sexual Abuse as behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child’s compliance, maintaining the child’s silence and avoiding discovery of the sexual abuse.

Grooming by an adult for sexual conduct with a child under the age of 16, or with a person under the **care, supervision or authority** of that adult, is a crime under section 49M of the Crimes Act 1958 .

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child or a person who has **care, supervision or authority** for a child for the purpose of facilitating sexual activity at a later time.

Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

### **Online Grooming**

The sexual offence of grooming under section 49M includes online grooming which occurs when an adult (18 years or over) uses electronic means to communicate with a child under the age of 16 in a predatory fashion to try and lower the child’s inhibitions, or heighten their curiosity.