



## **Child Protection Policy**

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### **Policy statement**

Lake Joondalup Baptist College (The College) is committed to child protection and a safe and supportive environment for all students.

### **Scope of the policy**

The Policy applies to all College employees, volunteers and contractors. All are to abide by the *Child Protection Policy* (The Policy) and the *Child Protection Procedures* (The Procedures).

### **Policy purpose**

All teachers have a duty of care to students during College hours, during afterhours College approved activities and at other times when the staff/student relationship exists. Teachers are mandatory reporters and obliged under the *Reporting Sexual Abuse of Children Act 2008 and the Children and Community Services Amendment 2009* to report sexual abuse of children. (The Act and Amendment). While mandatory reporting applies to sexual abuse only, the reporting of other kinds of child maltreatment, including witnessing family violence are regarded as part of a staff member's duty of care under common law.

The teacher-student relationship is a fiduciary relationship, which means that the teacher holds a position of trust and confidence towards his/her students and has a duty to act in their best interests.

The Criminal Code stipulates that a child under the age of 16 years is not able to give consent to any activity of a sexual nature in any relationship with any adult. In addition, the law does not allow activity of a sexual nature to occur between a child under 18 years of age and a person who holds a position of authority over the child. Teachers hold a position of authority and trust, and accordingly the law provides for greater penalties for duty of care breaches and sexual offences committed by teachers against students.

In addition to the duty of care owed to all students by the school, and the College's obligations under The Act and Amendment, the Department of Education Services also requires all non-government schools to have a Child Protection Policy.

### **Guiding principles for practice**

#### **1. Recruitment and selection of staff, volunteers and contractors**

Procedures for the recruitment of staff, volunteers and contractors will identify the criteria that maximises the protection of children. The College will ensure that all College employees, volunteers and contractors are adequately screened prior to commencing work with students at the College.

#### **2. Employee education and training**

College employees will be informed of the College's values and attitudes on the issue of child protection, safe environments and best practice expectations. Information will identify appropriate and inappropriate behaviours language and reporting pathways.

College staff will be informed of their obligations and will be provided with information and training relating to the identification and management of child sexual abuse and other forms of abuse and neglect.

**3. Environment and ethos**

The College environment and ethos will support students to feel safe and to have the confidence to report abuse and neglect through the promotion of respectful and caring relationships.

**4. Risk management plans**

Practice will focus on identifying, evaluating and planning strategies to minimise the risk of children coming into harm, being abused or neglected by a staff member, a volunteer or another young person. Risk management plans will be prepared for all on and off campus College approved activities.

**5. Empowering students**

Age appropriate education will be made available to all students through the Primary Protective Behaviours Program, Health Education and Connect Group lessons. The curriculum will focus on enabling students to recognise and report abuse, understand power in relationships, and develop protective strategies, including seeking help.

**6. Grievances and complaints management (including disciplinary proceedings)**

Grievances and complaints procedures are to reflect fairness and the principles of natural justice and identify the differences between complaints handling and disciplinary procedures.

**7. Care and support**

All persons involved in situations where abuse is suspected or disclosed should be treated with sensitivity, dignity and respect. Where it is known that a student has been the victim of child abuse or neglect, the Dean of Students or the Dean of Primary will ensure that steps are taken to support the child and College staff affected. Agencies and services may include the Non-Government Psychology Service and the College's Consultant Clinical Psychologist.

**8. Confidentiality of information and legal protection**

College staff who have access to information regarding suspected or disclosed child protection issues, have an obligation to observe confidentiality and ensure that this information is kept secure.

**9. Record keeping and documentation**

The teacher, and the College, will keep secure and confidential notes and reports that are prepared about individual students for all suspicions or disclosures of abuse or neglect. This is irrespective of whether a report has been made to the Department of Child Protection. Reports are to remain the student's Administration file and archived until the end of the year they turn 25.

*Mandatory Reporting*

Reporting obligations are obligations placed upon the teacher personally. Recommendations for record keeping are outlined in the *Child Protection Procedures*.

## **10. Procedures**

The Child Protection Procedures explain the action to be taken to protect students from harm; identify abuse and/neglect, respond to allegations of maltreatment or assault made against employees or others in the College community. Assistance or a referral to qualified counselling support pathway for students, families and College employees will be provided.

Specific procedures and other important information are set out in the *College Child Protection Procedures* document. In instances where specific protocols are not set out, staff should assume an obligation to report the matter to the Dean of Students, who will then bring the matter to the attention of the Principal.

The Child Protection Procedures document contains additional information relevant to the procedures, including indicators of abuse and neglect, fines and penalties, guidelines for meetings and recording information, appropriate staff-student relationships and the role and responsibilities of other agencies.

Child protection matters are high priority and procedures are to be actioned in a timely manner.

## **11. Informing the College community of The Policy**

The Policy will be made available to members of the College community via the College website.

## **12. Forms**

College Child Protection Report form.

## **13. Definitions**

1. Child – a child is defined as a person who has not reached the age of 18.
2. Teacher - a person who is registered under the Teacher Registration Act 2012, or a person who provides instruction in a course that is mentioned in the School Education Act 1999 s11B(1)(a)(b)
3. Child abuse and neglect - This is maltreatment of a person under the age of 18 years. It is the result of action or inaction on the part of a person who has responsibility to care for a child, resulting in harm or injury to the child. The maltreatment experienced is normally described in five categories.
4. Sexual abuse - Sexual abuse is defined by the Children and Community Services Act 2004 – amended 2008, in section 124A as:

*Sexual abuse in relation to a child, includes sexual behaviour in circumstances where:*

- *The child is the subject of bribery, coercion, a threat, exploitation or violence.*
  - *The child has less power than another person involved in the behaviour.*
  - *There is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.*
  - *Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and developmental level.*
  - *These behaviours include observation or involvement with inappropriate fondling of a child's body, making a child touch an adult's genitalia, showing pornographic material or sexual acts to a child, and sexual penetration of the child.*
5. Mandatory reporter - All doctors, nurses, midwives, police and teachers who form a belief during the course of their work, either voluntary or paid are mandatory reporters (MR). Non-Teaching staff, including Teacher Assistants and First Aid Officers, are not mandated reporters. However, all non-teaching staff are required by this policy to report to the Dean of Primary (Primary) or the Dean of Students (Secondary) or the College Principal. A teacher who receives a report of sexual abuse from a non-mandatory reporter, then becomes the mandatory reporter.
6. Mandatory Reporting Service - The Mandatory Reporting Service (MRS) of the Department of Child Protection (DCP) is responsible for receiving and acting on all reports of child sexual abuse.

### **Relevant Legislation**

- Children and Community Services Act 2004
- Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008
- Criminal Code Act (1913)
- Criminal Code Amendment (Cyber Predators) Bill 2005
- Working with Children (Criminal Record Checking) Act 2004

### **Related College Policies**

- Duty of Care Policy
- Countering Bullying Policy
- Emergency and Critical Incident Policy
- Student Management and Care Handbook
- Primary Student Management and Care Handbook
- Social Media Policy
- The Resolution of Parent and Student Complaints and Grievances