



Lake Joondalup Baptist College

Child Protection Policy PK-12 #: 041

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Child Protection Policy

Policy statement

The Lake Joondalup Baptist College Board, School Leadership Team, staff, volunteers and contractors are committed to providing a child-safe environment which safe guards all students and is committed to promoting practices which provides for the safety, wellbeing and welfare of our children and young people.

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.

We promote diversity and tolerance in the College, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation, and empowerment of Aboriginal children
- promote the cultural safety, participation, and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally

Guiding principles for practice

1. Our staff, volunteers and contractors

This Policy guides our staff (including contractors) and volunteers on how to behave with children in the school. We have also developed a Staff Code of Conduct (Staff Code of Conduct) to provide guidance to our staff and volunteers and contractors. All of our staff and volunteers must agree to abide by our Code of Conduct which specifies the standards of conduct required when working with children.

2. Recruitment

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. This includes mandatory interview questions for both applicants and their referees. The College understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

The College will ensure that all employees, volunteers and contractors hold a Working with Children Card and are adequately screened prior to commencing work at the College.

If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

3. Education and Supervision

Education is important to ensure that everyone in our school understands that child safety is everyone's responsibility and that everyone acts on their responsibility where necessary.

The College culture aims for all staff and volunteers (in addition to parents/legal guardians and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We educate our staff, contract staff and volunteers to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse.

New employees and volunteers will be supervised regularly to ensure they understand the College's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to the Staff Code of Conduct to understand appropriate behaviour further).

4. Legislative Responsibilities

Lake Joondalup Baptist College takes its legal responsibilities seriously, including:

- Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Western Australia who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
- Failure to protect: People of authority in our school will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- Any personnel who are mandatory reporters must comply with their duties

5. Risk management

In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children. We have risk management strategies in place to identify, assess and take steps to minimise child abuse risks which include risks posed by physical environments (for example, any doors that can lock) and where possible online environments. Risk Management Plans are prepared for all on and off campus College approved activities.

6. Empowering students

Age appropriate education will be made available to all students through the Primary Protective Behaviours Program, Secondary Health classes and the Wellbeing Program, as well as external presenters to the College. The curriculum will focus on enabling students to recognise and report abuse, understand power in relationships and develop protective strategies, including seeking help.

7. Grievances and complaints management (including disciplinary proceedings)

Lake Joondalup Baptist College takes all allegations seriously and has procedures in place to investigate thoroughly and quickly. Our staff are trained to deal appropriately with allegations.

We work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

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

If an adult has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it

8. Observing suspicious behaviour

Members of the College Community can report any child safety concerns to a member of the College Leadership Team or Head of House

9. Identifying Abuse

The following information is provided to help in the identification of different forms of abuse:

Physical abuse

Physical abuse or injury may consist of any non-accidental form of injury or serious physical harm inflicted on a child by any person. Physical injury and significant harm to a child may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child by exposing the child to extremely dangerous or life-threatening situations.

Examples of physical abuse may include:

- beating, shaking or burning
- assault with implements
- fabricated illness syndrome
- female genital mutilation

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.
- Sexual misconduct includes "grooming behaviour", or patterns of behaviour aimed at engaging or "grooming" a child as a precursor to sexual assault.

The grooming process can include strategies such as:

- Persuading the child that a "special" relationship exists – spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules etc.
- Testing of boundaries – undressing in front of the child, allowing the child to sit on the lap, talking about sex, "accidental" touching, for example, of the genitals etc.

Grooming occurs when an adult communicates (by words or conduct) with a child under 18 years of age, with the intention of facilitating the child's engagement in sexual conduct.

It is an offence for an adult to communicate with a person who has responsibility for care, supervision or authority over a child with the intention of grooming the child in their care. Such persons can include parents, stepparents, legal guardians, carers, teachers, employers and sports coaches.

Grooming includes actions deliberately undertaken with the intention of befriending and establishing an emotional connection with a child, to lower their inhibitions and facilitate sexual conduct with the child. Communication technologies such as online gaming, instant messaging, email, voice over internet protocol, social media and mobile phones can also be used in the grooming process. In these cases, the grooming process may continue for months before the offender arranges a physical meeting

Emotional abuse

Emotional abuse occurs when a child is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Emotional abuse may occur with or without other forms of abuse.

Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

A child is neglected if he/she is left uncared for over long periods of time or is abandoned.

The two types of neglect include:

- **serious neglect:** situations where a parent/legal guardian consistently fails to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe
- **medical neglect:** when a parent's/legal guardian's refusal or failure to seek treatment or agree to a certain medical procedure, leads to an unacceptable deprivation of the child's basic rights to life or health.

Family violence

Family violence is behaviour by a person towards a family member that may include:

- physical violence or threats of violence
- verbal abuse, including threats
- emotional or psychological abuse
- sexual abuse

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 College Counsellor, the Non Government Psychology Service and the College's preferred psychologists, Directions Psychology and Life Works for staff.

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.

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 in the student's Administration file (in an enclosed envelope with a confidential label placed on the front of it) and archived for 10 years after the student has left LJBC, as per the College Record Keeping Policy. Mandatory Reporting obligations are obligations placed upon the teacher personally. Recommendations for record keeping are outlined in the Child Protection Procedure

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

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. **Mandatory Reporter** – All doctors, nurses, midwives, police and teachers and those working in education including counsellors and health care workers who form a belief during the course of their work, either voluntary or paid are mandatory reporters (MR). Operations staff, including Teacher Assistants and First Aid Officers, are not mandated reporters. However, all Operations 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.
4. **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
- Relationship Management Policy
- Emergency and Critical Incident Policy
- Social Media Policy
- Child Safe Framework
- Child Protection Advice for Volunteers and Regular Visitors Brochure
- Record Keeping Policy
- Staff Code of Conduct
- Student Code of Conduct