



Lake Joondalup Baptist College

Child Protection Policy 041

Policy reviewed date: 2023

Lake Joondalup Baptist College is committed to the National Child Safe Organisation Principles, and to providing a child-safe environment which safeguards all students and promotes practices which provide for the safety, wellbeing and welfare of our children and young people. Lake Joondalup Baptist College expects all College community members including Board members, staff, volunteers, students, visitors and contractors to share this commitment.

Child Protection Policy

Purpose

The College Purpose is to nurture young people to discover and confidently express their unique God-given gifts in service of their community. The purpose of this Child Protection Policy is to:

Clearly demonstrate the College's commitment to the safety and wellbeing of children and young people

Inform Board members, staff and volunteers of their obligations to act ethically towards children and their roles and responsibilities in ensuring the safety and wellbeing of children

Give guidance on the procedures that aim to ensure children's safety and wellbeing across all areas of the College

Policy statement

Scope of the policy

The Policy applies to all members of the College Community who conduct work for the organisation in a paid or unpaid capacity. All are to abide by the Child Protection Policy and the Child Protection Procedures.

Duty of Care

Staff have a duty of care to students during College hours, during after hours College approved activities and at other times when the staff/student relationship exists.

Staff who are mandatory reporters are obliged to report sexual abuse of children. 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, meaning that the teacher holds a position of trust and confidence towards 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. Staff 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 staff against students.

The College promotes diversity and people from all 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

1. Staff, volunteers and contractors

This Policy guides Board members, staff, contractors and volunteers on appropriate behaviour with children during all College related activities. In addition, the College Code of Conduct provides guidance relating to expected standards of behaviour.

2. Recruitment

The College is committed to ensuring, as far as is possible, that people who work with children have been the subject of careful checking processes and are deemed suitable for employment.

Advertisements and selection criteria clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

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. Training and Supervision

Training is important to ensure that all members of the College community understand that child safety is their responsibility and that appropriate action must be taken where necessary.

Staff will work with members of the College community to enable them to feel confident to raise any child safety concerns. Staff and volunteers are trained to identify, assess and minimise risk of child abuse.

New employees and volunteers are supervised to ensure they understand the College's commitment to child safety, and that their behaviour towards children is appropriate.

4. Legislative Responsibilities

Lake Joondalup Baptist College understands its legal responsibilities and recognises that the protection and care of children is a whole-of-community and society responsibility. Child abuse occurs in all parts of society regardless of social, economic, geographic, and cultural factors.

All children have the right to be protected from harm. Part of this right is early identification and reporting of child sexual abuse, something that is critical to keeping children safe.

Mandatory reporting laws set acceptable standards of behaviour for the community (Australian Law Reform Commission, 2010) and make the protection of children from abuse a professional responsibility (Australian Institute of Family Studies, 2020).

The following principles underpin the mandatory reporting of child sexual abuse in WA:

- The best interests of the child must be the paramount consideration.
- Every child has a right to be protected from sexual abuse.
- Keeping children safe from abuse is the responsibility of individuals, families, communities, and the society as a whole. This is best achieved through a collaborative approach.
- Children have the right to be heard and to be believed.
- If anyone has a concern regarding the safety of a child, it is their responsibility to notify the relevant authorities.
- Child sexual abuse affects everyone. Early detection is critical to reducing child sexual abuse in our community.
- Child sexual abuse is not condoned by any culture or religion. Cultural practices or traditions cannot be used as an excuse for sexual abuse or sexual exploitation.

5. Risk management

In addition to general occupational health and safety risks, the College proactively manages risk of abuse to children. Risk management strategies are in place to identify, assess, and take steps to minimise child abuse risks. These 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 is made available to all students through the Primary Protective Behaviours Program, Secondary Health classes and the Wellbeing Program. The curriculum focuses on enabling students to recognise and report abuse, understand power in relationships and develop protective strategies, including how to seek help.

7. Grievances and complaints management (including disciplinary proceedings)

The College takes all complaints and concerns received from staff, parents, students and other complaints from outside of the College, seriously. The aim is to ensure that grievances are handled objectively and with sensitivity. In doing so, the College will seek to identify both the specific and

(where applicable) systemic issues raised by a grievance (thereby enabling future improvements to be identified and implemented).

The College works to ensure all children, families, staff and volunteers know what to do and who to tell if they are abused, observe abuse or if they notice inappropriate behaviour.

If a member of the College community 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

8. Observing suspicious behaviour

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

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

The Children and Community Services Act 2004 defines a child as 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.

Under section 124A of the Children and Community Services Act 2004, sexual abuse, in relation to a child, includes sexual behaviour in circumstances where: – (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or (b) the child has less power than another person involved in the behaviour; or (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

These behaviours can include grooming, exposure to pornographic material, sexual penetration, inappropriate touching, exposure to other sexual acts and soliciting children for sexual exploitation. Sexual abuse occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. In most cases, coercion and fear is common in child sexual abuse.

The internet and social media have many benefits for enabling our connection to the outside world, though in doing so they also enable new opportunities for child sexual exploitation online.

Online child sexual exploitation may include:

- engaging a child in chat about sexual acts
- sending nude or pornographic images or videos to a child or exposing themselves via live stream
- asking a child to perform sexual acts, expose themselves or share sexual images or videos

- producing and sharing indecent images of children online (Australian Centre to Counter Child Exploitation, n.d.)
- Online grooming, where an adult makes online contact with someone under the age of 16 with the intention of establishing a relationship to enable their sexual abuse.

Grooming refers to 'actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child' (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p. 9).

Gifts such as treats, online game credits, drugs and alcohol or money may be used as a means to befriend a child or adults around the child in order to gain access to the child. The behaviour remains grooming as the intention is to gain access, lower inhibition and secure secrecy for the abuse rather than an exchange of sexual favour.

Grooming often includes:

- giving gifts or special attention to the child (and/or their caregiver) to make them feel special and indebted to the person causing the abuse
- normalising close physical contact, such as tickling and wrestling
- gradually exposing the child to sexual material and/or sexual acts
- trying to control the child through making them feel guilty or ashamed (to believe it is 'their fault') as well as outright threatening them
- singling one child out and treating them as 'special'
- arranging special activities or spending extra time with them
- isolating a child from other adults or children
- encouraging a child to use alcohol and drugs
- being exceptionally helpful in supporting a family either financially, emotionally or practically.

These tactics are used to reduce the chance the child will stop engaging in sexual activity with them and minimise the risk of the child disclosing to other adults that the abuse has occurred. Grooming also often involves trusted family members of the child, to gain alone time with the child and minimise barriers from anyone who may be protective of the child.

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 relevant Dean will ensure that steps are taken to support the child and College staff affected. Agencies and services may include the College Psychologist, the Non Government Psychology Service, the College's preferred psychologists and Employee Assistance Program 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

College staff will keep confidential notes and reports that are prepared for all suspicions or disclosures of abuse or neglect. Specific instructions for record keeping are outlined in the College Child Protection Procedures. All records are to be archived as per the College Record Keeping Policy.

Procedures

The College Child Protection Procedures explain the action to be taken to protect students from harm. This includes identifying and reporting abuse and neglect.

In instances where specific protocols are not set out, staff should assume an obligation to report the matter to the relevant Dean or Principal.

The College Child Protection Procedures contain additional information including indicators of abuse and neglect, guidelines for meetings and note taking, appropriate staff-student relationships and support structures available to those in the College community.

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** – Section 124B of the Children and Community Services Act 2004 requires certain persons in WA to make a mandatory report if the person forms a belief on reasonable grounds in the course of their paid or unpaid work (on or after commencement day) that a child:
 - has been the subject of sexual abuse that occurred on or after the commencement day; or
 - is the subject of ongoing sexual abuse.

Commencement day means the day on which the person became a mandatory reporter under the law. Commencement day varies for different mandatory reporter groups.

Currently under section 124B of the Children and Community Services Act 2004, the following people are mandatory reporters:

- boarding supervisors
- doctors
- ministers of religion
- nurses and midwives
- police officers
- teachers.

New mandatory reporting groups are being brought into operation in stages to ensure they receive the necessary training and support to fulfil their new reporting obligations Staff who are not mandatory reporters are required by this policy to report to the relevant Dean or the College Principal.

4. **Mandatory Reporting Service** – The Mandatory Reporting Service (MRS) of the Department of Child Protection Family Services (DCPFS) is responsible for receiving and acting on all reports of child sexual abuse.

Legislation

Children and Community Services Act 2004
Teacher Registration Act 2012,
School Education Act 1999 s11B(1)(a)(b)
Children and Community Services Amendment Act 2021
Criminal Code Act (1995)
WA Criminal Code Act Compilation Act 1913
Criminal Code Amendment (Cyber Predators) Bill 2005
Working with Children (Screening) Act 2004

Related policies

04 Clearances Policy
34 Social Media Policy
38 Relationship Management Policy
56 Duty of Care to Students Policy
77a Grievance Policy (Community)
107 Record Keeping Policy
120 Code of Conduct
121 Visitors on College Premises
135 Emergency and Critical Incident Policy
140 Positive Community Relationships Policy
145 Student Code of Conduct
Child Protection Advice for Volunteers and Regular Visitors Brochure