

Child Safe Policy – Western Australia

Section
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Review

Welfare
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Executive Summary:

The purpose of this Policy is to assist principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so support a consistent approach by all Anglican Schools Commission (ASC) schools and the ASC's committed to child safety.

Key Actions:

- Ensure there are robust human resources and recruitment practices for all staff and volunteers including a Working with Children Check (WWC Check) and a Nationally Coordinated Criminal History Check (NCCHC).
- Ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning (mandatory reporting of child sexual abuse and school policies).
- Develop a Child Safe Code of Conduct that is publicly available.
- Ensure all new staff attend an induction covering Child Safe Code of Conduct, Staff obligations to report objectively observable behaviours, School policies and procedures, mandatory reporting obligations.
- Develop a Code of Conduct for students and provide parents and guardians with information about the Student Code of Conduct.
- Implement age and developmentally appropriate protective behaviours and sexual abuse prevention education.
- Develop and implement an annual training plan for Board members, School Council members, staff and regular volunteers.

NB: The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

1. Purpose

The Anglican Schools Commission (ASC) is committed to child safety and has developed this Policy to assist Principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so is supporting a consistent approach by all ASC schools to this important issue.

2. Scope

This Policy applies to the ASC and all ASC schools in Western Australia (WA) including boarding facilities where applicable. This includes ASC Board members, School Council members, all staff, practicum students, volunteers and boarding staff, if relevant.

3. Principles

The ASC acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. Within its schools, the protection strategies and procedures to be followed are based on the following principles and values:

- 3.1 The ASC Core Values of Faith, Excellence, Justice, Respect, Integrity and Diversity underpin the development of its Child Safe Policy (WA).
- 3.2 The ASC is committed to complying with The Child Safe Standards per the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations, (Appendix 1) and implementing the National Child Safe Organisation Principles (Appendix 2).
- 3.3 **All adults have a responsibility to care for children**, to positively promote their welfare and to protect them from any kind of abuse.
- 3.4 All children have the right to a thorough and systematic education about personal safety, including safety in relationships.
- 3.5 The ASC and its schools are committed to child safety and zero tolerance of child abuse.
- 3.6 The ASC is committed to preventing child abuse and identifying risks early; and removing and reducing these risks.
- 3.7 The ASC and its schools are committed to fulfilling our legal responsibilities in the area of child abuse.
- 3.8 The ASC and its schools are committed to monitoring adherence to the Child Safe Policy (WA).
- 3.9 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 3.10 All students should know that they are valued as persons from the time they enter the school community. This pastoral dimension should influence every aspect of the school's life.
- 3.11 All ASC schools will support or assist children who disclose child abuse or are otherwise linked to suspected child abuse.
- 3.12 The ASC promotes the cultural safety of Aboriginal and Torres Strait Islander children at all ASC schools.
- 3.13 The ASC promotes the cultural safety of children from culturally and/or linguistically diverse backgrounds at all ASC schools.
- 3.14 The ASC promotes the safety of children with a disability and children who are vulnerable.
- 3.15 The value of the family unit is to be respected but this should not be to the detriment of the wellbeing of a child.

- 3.16 All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
- 3.17 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse, in line with legislation and Department of Communities - Child Protection and Family Support (CPFS) and WA Police requirements. With the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), the Principal must ensure that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
- 3.18 All school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.
- 3.19 The ASC and its schools will ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning on:
- Mandatory reporting of child sexual abuse; and
 - School policies, procedures and practices that aim to ensure students' safety and wellbeing at school, during school-related activities and child-safe physical and online environments.
- NB:** ensure people who may be absent during scheduled sessions attend a rescheduled session.
- 3.20 The ASC and its schools abide by the legal and moral obligations to report all forms of abuse.
- 3.21 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

4. Relevant Policies, Procedures and Legislation

- 4.1 This Policy must be read in conjunction with the following ASC policies and procedures:
- Mandatory Reporting of Child Sexual Abuse Policy – Western Australia
 - Reporting of Child Abuse and Neglect Policy – Western Australia
 - Dispute and Complaint Resolution Policy and Procedures – ASC Schools
- 4.2 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 Section 204B (Cyber Predators) Bill 2005
 - Working with Children (Criminal Record Checking) Act 2004
- Legislation is available to be viewed through the State Law Publishers website www.slp.wa.gov.au
- 4.3 Other:
- The Child Safe Standards (Royal Commission into Institutional Responses to Child Sexual Abuse recommendations)
 - The National Child Safe Organisation Principles.

5. Definitions

5.1. **Advocacy and Support Services** are those which act alongside, or on behalf of, victims and survivors of child abuse to support their rights and interests while providing tangible and practical support.

5.2. **Child Abuse** – Four forms of child abuse are covered by WA law:

1. Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured.
2. Sexual abuse occurs when a child is exposed to, or involved in sexual activity that is inappropriate to the child's age and developmental level, and includes sexual behaviour in circumstances where:
 - a. The child is the subject of bribery, coercion, a threat, exploitation or violence;
 - b. The child has less power than another person involved in the behaviour; or
 - c. There is significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.
3. Emotional abuse includes:
 - a. Psychological abuse; and
 - b. Being exposed to an act of family and domestic violence.
4. Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged, or they are injured. Neglect may be acute, episodic or chronic.

5.3. **Code of Conduct** promotes positive work practices and establishes expectations for personal and professional boundaries concerning appropriate and inappropriate behaviour in relation to staff, students, volunteers, parents and guardians. It provides guidance about behaviour, relationships, attitudes and responsibilities and outlines the process that will be followed if the code is not observed.

5.4. **Culturally-appropriate** is the definition adopted by the Royal Commission into Institutional Responses to Child Sexual Abuse:

an approach to policy, intervention, service delivery and inter-group interaction that is based on the positive acceptance of the cultural values and expectations of an individual and their community [Final Report, Volume 1, page 321].

A culturally-appropriate protective behaviours and sexual abuse prevention education will reflect cultural values to enable students to engage effectively with the information, attitudes and practices being learned without offending cultural norms and expectations.

5.5 **Corporal punishment** is any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

5.6 **Degrading punishment** is any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles,

humiliates, denigrates, scapegoats, threatens, scares or ridicules the child [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

- 5.7 **Grooming** is the use of a variety of manipulative and controlling techniques with a vulnerable subject in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting exposure.
- 5.8 **Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviour**, developed by the Department of Education for all education sectors in Western Australia, describes the process by which information about young people charged with harmful sexual behaviours is shared and managed by governing bodies and schools in accordance with sections 28A-C of the Children and Community Services Act 2004.
- 5.9 **National Child Safe Organisation Principles** incorporate the ten standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017 but cover all forms of child abuse. They were developed by the Australian Human Rights Commission and endorsed by all members of the Council of Australian Governments (COAG) in February 2019.
- 5.10 **Regular Volunteer** is one who attends the school or school-related activity at regular periodic intervals during a school year or one who is frequently called upon to assist in diverse capacities. A regular volunteer is not a member of staff. Members of staff may include people who are not paid.

6. Child Safe Code of Conduct

- 6.1. The ASC and its schools are required to develop a Child Safe Code of Conduct for the ASC Board, School Councils, staff, practicum students and volunteers, and boarding staff (if relevant) that:
- Is publicly available;
 - States as its objective the promotion of child safety in the school environment;
 - Sets standards about the ways in which school staff are expected to behave with children. It should set a high standard of conduct for the protection and wellbeing of children and young people;
 - Covers conduct in both the physical and online environments;
 - Takes into account the interests of school staff (including other professional or occupational codes of conduct that regulate particular school staff), and the needs of all children; and
 - Is consistent with the school's child safety strategies, policies and procedures as revised from time to time.

7. Student Code of Conduct

- 7.1. Schools must have a Code of Conduct for students, which sets out the minimum standards of conduct, prohibits bullying, harassment and other forms of peer-to-peer abuse and requires respect for the privacy and human dignity of other students and boarders where relevant.
- 7.2. Parents and guardians must receive information about the Student Code of Conduct and when, how and whom to tell when they have concerns about grooming, child abuse or other behaviour.

8. Child Empowerment and Participation Education

- 8.1. All ASC schools must have in place age and developmentally appropriate protective behaviours and sexual abuse prevention education, which is:

- Developed by experts in child abuse protection;
- Culturally appropriate;
- Integrated into the curriculum of the school and refers to subject-matter links,
- Communicated to parents/carers;
- Includes e-safety education; and
- Builds practical self-protective skills and strategies.

8.2. Schools should also consider appropriate education to be delivered about:

- Standards of behaviour for students attending the school;
- Healthy and respectful relationships (including sexuality); and
- Resilience.

9. School Staff recruitment practices

9.1. All ASC schools must develop recruitment practices which:

- Are robust to help ensure the best applicants are employed with each step of process done consistently and thoroughly;
- Engage only those who are suitable to work with students;
- Make every attempt to assess commitment to the Child Safe Code of Conduct on the part of the applicants;
- Include induction to the school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming, and abuse and mandatory reporting obligations.

9.2. Each job or category of jobs for school staff that involves child-related work must have a clear statement that sets out:

- The job's requirements, duties and responsibilities regarding child safety; and
- The job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.

9.3. All applicants for jobs that involve child-related work for the school must be informed about the school's child safety practices (including the Child Safe Code of Conduct).

9.4. In accordance with any applicable legal requirement (e.g. Working with Children Check (WWC Check), Nationally Coordinated Criminal History Checks (NCCHC) or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-related work:

- WWC Check status, or similar check;
- Proof of personal identity and any professional or other qualifications;
- The person's history of work involving children; and
- References that address the person's suitability for the job and working with children.

Refer to the ASC Recruitment and Selection Policy and Procedures which provides effective and robust procedures to ensure that the ASC and its schools adopt appropriate recruitment and selection methods.

10. School Staff and Volunteer Supervision Practices

10.1. All schools will ensure that new employees and volunteers are supervised regularly to ensure they understand the 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 (as per the Child Safe Code of Conduct). Any inappropriate behaviour

will be reported through the appropriate channels, including CPFS, depending on the severity and urgency of the matter.

11. School Staff Education and Training

- 11.1. All ASC schools must have in place annual training for all staff, School Council members and regular volunteers that identifies, assesses and minimises the risks of child abuse, and detects potential signs of child abuse.

12. Procedures: Roles and Responsibilities

12.1. The Anglican Schools Commission

If formal notification is to be made to CPFS, the Principal should inform the ASC Chief Executive Officer (CEO) as the official representative of the School Authority.

The ASC Office will:

- Ensure ASC Board members participate in professional learning covering the Child Safe Code of Conduct (specific to their role), their mandatory reporting obligations and all ASC policies and procedures at least annually.
- Ensure that duty statements/position descriptions clearly address child safety requirements.
- Assist principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
- Assist principals in arranging professional development for designated staff in a protective behaviours and sexual abuse prevention education.
- If necessary, assist the Principal or her/his delegate when a case of child abuse or neglect is disclosed, or where there is a belief, based on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse to CPFS.
- Assist the Principal in ensuring that members of staff and students at the school making the referral are offered appropriate support to adjust to any consequences of the referral.
- Assist the Principal to cooperate in the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours and implement a risk assessment and management plan for any such young person enrolled at the school.
- Provide any other assistance to the Principal or his/her delegate to ensure other aspects of the ASC Child Safe Policy (WA) are met.

12.2. The Principal

- The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect.
- The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and protective behaviours.
- The Principal must ensure that School Council members, all staff, practicum students and regular volunteers, and boarding staff if relevant, participate in professional learning covering the Child Safe Code of Conduct (specific to their role), their mandatory reporting obligations and all school policies and procedures at least annually.
Further information on the detection and reporting of child abuse is provided in the policies listed in Section 4.
- The Principal must ensure that duty statements/position descriptions clearly address child safety requirements.
- The Principal must ensure that all employees and volunteers are fit and proper persons to work with children via WWC Checks and NCCHCs. It is advisable that the Principal,

in addition to checking the individual's Working with Children Card, access the Working with Children website to ensure the school has the most up to date information on the individual.

- The Principal's role is **not** to investigate any disclosure or strong concern about the well-being of a student, but they **must** report the matter to the CPFS, the Chair of the School Council and to the CEO of the ASC.
- Where a mandatory report has not been made, the Principal must report to the CPFS when a case of child abuse or neglect is disclosed, or where there is a belief that abuse has occurred.
- Any staff member who is a mandatory reporter will advise the Principal in regard to any report they make to CPFS. This must be done as soon as is practicable to do so before or after submitting their mandatory report.
- Advice must be sought from the CPFS or the Police prior to informing the parent/guardian of the concerns regarding the child.
- Should any disclosure or strong concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Perth, the Chair of the School Council and to the CEO of the ASC. The identity of the reporter must be protected at all times, in line with the Children and Community Services Act 2004.
- The Principal must retain records of all communication with the CPFS, the Police, the PSU, the Chair of the School Council and the CEO of the ASC and the subsequent actions. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records. Appendix 3
- The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes. The student must be informed of advocacy and support services available to them.
- The Principal must inform parents and guardians about the school's Child Safe Policy (WA), the protective behaviours curriculum, the Child Safe Code of Conduct, the Student Code of Conduct and when, how and whom to tell if they have concerns about grooming, child abuse, or other behaviour which is not permitted by either code. This could be done by including the information in the Parent Handbook, thereby ensuring that all new parties are kept informed.
- The Principal will cooperate in the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours and implement a risk assessment and management plan for any such young person enrolled at the school.

12.3. **Mandatory Reporters**

All obligations for mandatory reporters are covered in the policies listed in Section 3.

12.4. **Non-mandatory Reporters**

Everybody has a duty to report concerns that involve the safety of children and young people. All reporting obligations for non-mandatory reporters is covered in the policies listed in Section 3.

12.5. The Department for Child Protection and Family Support (CPFS)

- The CPFS is the Government Department with the statutory authority to investigate concerns relating to child abuse in WA.
- All disclosures or strong concerns of abuse or neglect (except sexual abuse – see the Mandatory Reporting of Child Sexual Abuse Policy – Western Australia) are to be reported by **the Principal** to the Duty Officer at the nearest local district or regional office of the CPFS.
- In the case of child sexual abuse, the teacher must provide a written report to the Mandatory Reporting Service of CPFS (see Mandatory Reporting of Child Sexual Abuse Policy – Western Australia).
- The Mandatory Reporting Service and the Duty Officer at the local CPFS office can be used initially in a consultative role if either the Principal or the teacher is unsure of what action to take.
- The CPFS has the authority to interview the child at school before contact is made with the parent/guardian. The Principal must be notified before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The decision of having a support person for the child will rest with CPFS or WA Police.
- CPFS officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.
- For further information: www.dcp.wa.gov.au

12.6. The Western Australia Police

- The WA Police may play a role in responding to allegations of child abuse and neglect when informed by the CPFS.
- In the case of sexual abuse, the CPFS will forward all reports to the WA Police Service.
- The WA Police Service Child Abuse Investigation Team will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

12.7. The Professional Standards Unit of the Diocese of Perth

- The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children and Community Services Act 2004. The Chair of the School Council and the ASC CEO is to be advised of such reports.
- The PSU will investigate the matter and make a recommendation to the school.

Royal Commission Child Safe Standards
What makes institutions safer for children

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

National Principles for Child Safe Organisations

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

Records and recordkeeping - Records and recordkeeping principles

Accurate records and the exercise of good recordkeeping practices are critical to identifying, preventing and responding to child sexual abuse. Records are also important in alleviating the impact of child sexual abuse for survivors. To improve records and recordkeeping practices consideration should be given to the following Principles.

Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.

- Keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping.
- Foster a culture in which the creation and management of accurate records are integral parts of the operations and governance.

Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.

- Ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.
- Records created should be clear, objective and thorough and created at, or as close as possible to, the time the incidents occurred, and clearly show the author and the date created.

Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.

- Records should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.

- Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or policies.
- Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

- Individuals should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.
- Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

NB: Extract from Royal Commission into Institutional Responses to Child Sexual Abuse

Version Control

Version	Date	Summary of Changes
1	Aug-09	New Policy
2	Oct-13	3 yearly review
3	Oct-16	Policy split into three - one for each state. (WA, NSW, VIC)
4	Oct-16	Section 9.1 Bullet Point 7 - updated to reflect the obligation to notify the Principal before or after submitting a report to the CPFS.
5	May-18	Annual review, includes new requirements from the revised Guide to Registration Standards and Other Requirements for Non-Government Schools and align the WA policies with the NSW and Victoria Policies.
6	Apr-19	Annual review, includes reference to RC Recommendations, ASC Recruitment Policy, Mandatory Reporting spreadsheet.
7	Oct-19	Updated in response to the recently amended non-government school registration standards (WA) for 2020.
8	Apr-21	Annual Review Clarify WWC Check and NCCHC obligations. Include the National Principles for Child Safe Organisations as an Appendix. New Policy format.
9	Oct-21	Remove detailed reference to Code of Conduct and Appendix C. NB: New Policy developed specifically for the Child Safe Code of Conduct.
9a	Apr-22	Annual review