



Student Safety Definition Document

PRESNIL VISION STATEMENT

All children attending Preshil School have a right to feel and be safe. The welfare of the children in our care will always be our priority. Preshil is committed to the principles of cultural safety and inclusion of children from diverse backgrounds and to the safety and inclusion of children with disability, and we recognise that these principles support the safety of all children. All actions and programs will maintain high ethical standards and comply with child safety standards and child protection reporting guidelines.

We promote positive relationships between students and adults and between students and their peers. These relationships are based on trust and respect. We take proactive steps to identify and manage any risk of harm to students in our school environment. When child safety concerns are raised or identified we treat these seriously and respond promptly and thoroughly.

Particular attention is given to the child safety needs of Aboriginal students, those from culturally and linguistically diverse backgrounds, international students, students with disabilities, those unable to live at home, children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) and other students experiencing risk or vulnerability. Inappropriate or harmful behaviour targeting students based on these or other characteristics, such as racism or homophobia, are not tolerated at our school, and any instances identified will be addressed with appropriate consequences.

APPLICATION

This document applies to all Board members, employees, volunteers, contractors and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events.

RELATED POLICIES

- Child Safety and Welfare Policy
- Child Safety Code of Conduct
- Responding to Student Safety Concerns Policy
- School Staff Recruitment Policy
- Staff and Student Professional Boundaries

DEFINITIONS

Behaviour that causes **emotional or psychological harm to a child** includes sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause emotional or psychological harm including, for example, severe or sustained instances of verbal abuse; coercive or manipulative behaviour; hostility towards, or rejection of, a child; and humiliation, belittling or scapegoating.

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CCYP means Commission for Children and Young People.

Child means a child under the age of 18 years, except in the case of certain mandatory reporting obligations which may define a child to be under a different age.

Child abuse means all forms of child abuse defined in the ETR Act and includes:

- Any act committed against a child involving a sexual offence or grooming.
- The infliction on a child, of physical violence or serious emotional or psychological harm.
- Serious neglect of a child.

Student-connected work means work authorised by the School and performed by an adult in a school environment while children or young people are present or reasonably expected to be present.

CWS Act means the *Child Wellbeing and Safety Act 2005* (Vic), as amended from time to time.

CYF Act means the *Children, Youth and Families Act 2005* (Vic), as amended from time to time.

DFH means the Department of Families, Fairness and Housing.

ETR Act means the *Education and Training Reform Act 2006* (Vic), as amended from time to time.

Grooming is defined in the *Crimes Act 1958* (Vic) and refers to communication, by words or conduct, between an adult and a child with the intention of facilitating the commission of a sexual offence involving the child. Grooming may be identified by attempts being made at establishing an intimate relationship with, befriending or influencing a child (or, in some circumstances, members of the child's family). In this respect, grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated (Victorian Parliamentary Inquiry 2013).

Executive Team refers to the Principal, the Business Manager, the Heads of Campus, the Director of Kindergarten, the Human Resources Compliance Manager and the Communications and Marketing Manager.

Mandatory reporter has the meaning given to it by section 182 of the CYF Act. It includes but is not limited to registered teachers (including early childhood teachers), staff with post-secondary qualifications employed in the care, education or minding of children, school principals, registered nurses, students in training to become teachers (who have been granted permission to teach under relevant legislation), registered psychologists, out of home care workers, early childhood workers and any other person referred to in section 182 of the CYF Act.

Neglect refers to an individual's failure to meet their obligations and responsibilities to keep a child safe and well, and can include:

- Supervisory neglect, which is the absence or inattention of a staff member which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour to occur.
- Physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing, housing or medical attention.

Parent includes a guardian or carer, and 'parents' has a corresponding meaning.

Physical violence includes an act that causes physical injury or pain. Examples of physical violence can include:

- Hitting, kicking and punching.
- Pushing, shoving, grabbing, throwing and shaking.

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- Using an object to hit or strike.
- Using inappropriate restraint/excessive force.

Physical violence does not include lawful behaviour. For example:

- Reasonable steps taken to protect a child from immediate harm, such as taking their arm to stop them from going into oncoming traffic.
- Medical treatment given in good faith by an appropriately qualified staff member, such as a senior first aid officer administering first aid.
- Threats of physical violence that do not cause physical injury or pain may still amount to behaviour that causes emotional or psychological harm.

Reasonable belief means a belief that would lead a reasonable person in the same position as you, and with the same information as you to form a belief that child abuse (including sexual abuse) or reportable conduct is occurring or may occur. There must be some objective basis for the belief. However, it is not necessary to have proof to form a reasonable belief, nor do you need to make a judgement about the truth of an allegation. However, a reasonable belief is more than suspicion, mere rumour or speculation.

For example, a 'reasonable belief' about a sexual offence might be formed when:

- A student states that they have been sexually abused.
- A student states that they know someone who has been sexually abused (because sometimes the student may be talking about themselves).
- Someone who knows a student states that the student has been sexually abused.
- Professional observations of the student's behaviour or development leads a professional to form a belief that the student has been sexually abused.
- Signs of sexual abuse lead to a belief that the student has been sexually abused.
- It is permissible to ask a person raising a concern with you, sufficient questions to establish a reasonable belief. However, care should be taken not to ask the person any suggestive or leading questions.
- Staff who are not sure whether they have a reasonable belief must consult with a Student Safety Officer (SSO) or a member of the Executive Team.

Reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct that is alleged to have occurred was within the course of the person's employment or engagement with the School.

In the above definition, 'employee' has the meaning given in the CWS Act.

Reportable conduct means:

- A sexual offence committed against, with or in the presence of, a child.
- Sexual misconduct, committed against, with or in the presence, of a child.
- Physical violence committed against, with or in the presence of, a child.
- Any behaviour that causes significant emotional or psychological harm to a child.
- Significant neglect of a child.

In the above definition, 'child' has the meaning given in the CWS Act.

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School means Preshil School.

School community means all those who are directly and indirectly involved with the School, including students, parents, carers and alumni, as well as businesses, charitable organisations and locals that are affiliated with the School.

Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature (including inappropriate touching, grooming behaviour and voyeurism).

Other examples of sexual misconduct include:

- Developing an intimate relationship with a student, for example, through regular contact with the student without the knowledge or approval of the school;
- Inappropriately discussing sex and sexuality with a student; or
- Other overtly sexual acts that could lead to the School taking disciplinary or other action.

Sexual offence means a sexual offence set out in clause 1 of Schedule 1 to the *Sentencing Act 1991 (Vic)*, and includes sexual assault (including rape and attempted rape), indecent acts, possession of child abuse material, exposure to pornography, and grooming.

Any sexual activity between a child and an adult can be a sexual offence. In certain circumstances, sexual activity between children can also be a sexual offence, and also between two adults (particularly when one is a student).

Significant, in relation to harm or neglect, means that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

SOCIT means the Victoria Police Sexual Offences and Child Abuse Investigation Team.

SSO means a Student Safety Officer.

Staff and **staff members** include Board members, the Principal, employees, volunteers, contractors and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events.

Student means a child under 18 years of age, and any student at the School over 18 years of age, and 'students' has a corresponding meaning.

Student-connected work means work authorised by the School and performed by an adult in a school environment while children or young people are present or reasonably expected to be present.

Victimisation means treating a person unfairly or unreasonably because they, or someone associated with them, has made, or intends to raise a concern about student safety or student wellbeing, or who is otherwise involved or participates in the School's, or an external body's investigation of the concern.

VIT means the Victorian Institute of Teaching.

VRQA means the Victorian Registration & Qualifications Authority.

WSA Act means *Worker Screening Act 2020 (Vic)*, as amended from time to time.

WWCC means Working with Children Check.

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COMMUNICATION AND IMPLEMENTATION

This document is made publicly available on the School's website.

This document is available to staff as part of the School's and the Board's internal policies and procedures. Aspects of (and updates to) the School's student safety and wellbeing framework, including this document will be addressed in the School's professional development updates, training programs, bulletins and newsletters.

To properly implement this document:

- The Board will review this policy and the School's student safe practices at least every two years (or more frequently after a significant student safety incident) and implement improvements where applicable.
- Families and the School community will be afforded the opportunity to contribute to the review and development of the School's student safe policies and practises (including this document).
- Periodic training and refresher sessions on this document are provided to all staff.

All staff must ensure that they abide by this document and assist the School in implementing this document.