



# Yarra Road Primary School

## Child Safe Standards Policy

Review Cycle	School Council Approval	Communication Requirements
3-4 years	Not required but, if appropriate, schools can consult School Council and the wider school community.	School Website Induction Process Staff briefing (regularly) Annual staff and School Council training

### Purpose

Yarra Road Primary School Child Safety Policy sets out the school's commitment and approach to creating and maintaining a child safe organisation where children and young people are safe and feel safe, and provides the policy framework for the school's approach to the Child Safe Standards.

### Scope

This policy applies to all staff, volunteers, and contractors in the school environment, whether or not they work in direct contact with children or young people. This policy also applies to school council members where indicated.

The policy will apply to the school environment (see Definitions section). The policy covers both school hours and outside of school hours.

### BACKGROUND

All government school staff will be made aware of their legal responsibilities. As part of the government school principal contract, government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students. Creating safe places for children to fully and actively participate in the life of the community benefits everyone. Yarra Road Primary School ensures that the children in its care are protected to the best of its ability and in line with their duty of care and the compulsory Child Safe Standards. These Child Safe Standards are compulsory for all organisations providing services to children, and aim to drive cultural change in organisations so that protecting all children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers. This will assist organisations to:

- prevent child abuse
- encourage reporting of any abuse that does occur
- improve responses to any allegations of child abuse

The Child Safe Standards also strongly promote the safety of Aboriginal children; children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

### Definitions

#### **Child abuse**

Child abuse includes:

- any act committed against a child involving:

- a sexual offence; or
- grooming; and
- the infliction, on a child, of:
  - physical violence; or
  - serious emotional or psychological harm; and
- serious neglect of a child.

Whenever a student–teacher relationship exists, the teacher has a special duty of care. This is defined as: “A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (Richards v State of Victoria (1969) VR 136 at p. 141) As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken. School authorities in breach of the duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student. Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury. This duty extends to intervention in single-sex areas if need be by a teacher of the other gender.

### ***Child-connected work***

Child-connected work means work authorised by the school, school council, or Secretary of the Department of Education and Training and performed by an adult in a school environment while children are present or reasonably expected to be present.

### ***Child safety***

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

### ***School environment***

School environment means any physical or virtual place made available or authorised by the school for use by a child during or outside school hours, including:

- a campus of the school;
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child’s use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, homestays, and other school activities or events)

### ***School staff***

School staff means an individual working in a school environment who is:

- employed by the Department of Education and Training;
- directly engaged or employed by a school council; or
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).

### **Implementation:**

Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment. A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship.

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse. The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.

Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:

- arriving late to class or leaving a class early
- arriving late to scheduled timetabled yard duty responsibilities
- failing to act appropriately to protect a student who claims to be bullied
- believing that a child is being abused but failing to report the matter appropriately
- being late to supervise the line-up of students after the bell has sounded
- leaving students unattended in the classroom
- failing to instruct a student who is not wearing a hat to play in the shade
- ignoring dangerous play
- leaving the school during time release without approval
- inadequate supervision on a school excursion or camp

Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher's own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.

Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

### **RISKS TO STUDENTS OUTSIDE THE SCHOOL ENVIRONMENT**

Legal cases establish that a teacher's duty of care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective of whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took reasonable steps to protect the student from the risk. Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency and threat of injury. Consider for example, if a live power line came down outside the school, no emergency workers had arrived, and primary children are about to be dismissed to walk home. No school would allow the children to walk out to that danger unsupervised. There will be a number of other situations where the school will be under a duty to take reasonable steps. In some instances, the school's control over the activity may require it to take more active measures to satisfy the requirement that it take reasonable steps. For example, a known bully on a school bus may require the school to suspend or refuse to transport the bully.

In other instances, the school may not control the activity, and the reasonable measures available to it will be limited. For example, fights at a local train or bus stop between students from rival schools may involve informing the police, contacting the other school to implement preventative measures, and notices to parents and students. Staff are responsible for their students at all times. The following instructions and notices apply to all staff.

#### CLASSROOM SUPERVISION:

Teachers must not leave the classroom unattended at any time during a lesson. It is not appropriate to leave students in the care of ancillary staff, voluntary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated) It is not appropriate to leave students in the care of external education providers for example incursions (At law, the Duty of care cannot be delegated) In an emergency situation use the phone for the Principal or Assistant Principal or contact the teacher in the next room (if appropriate – send another student for assistance) No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a student to a colleague's classroom, or to the Assistant Principal or Principal or by following the school's Student Behaviour Management Plan. Any action taken should be accompanied by documentation and appropriate follow up. Care needs to be taken in allowing students to leave the room to work in other areas of the school. Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal Discretion is to be used when allowing students to visit the toilet during class time.

#### YARD SUPERVISION:

Yard supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising students, teacher's duty of care is one of positive action. Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom. Be aware that yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow school policy whilst on yard duty. Teachers rostered for duty are to attend the designated area at the time indicated on the roster. Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable. The handing over of duty from one teacher to another must be quite definite and must occur in the area of designated duty. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, but not leave the area until replaced. No changes to the yard duty roster are to be made without the approval of the Principal/Assistant Principal. Be alert and vigilant - intervene immediately if potentially dangerous behaviour is observed in the yard - enforce behaviour standards and logical consequences for breaches of safety rules. You should always be on the move and highly visible.

#### EXCURSIONS, INCURSIONS AND CAMPS: (also refer to comprehensive policy for each)

Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom. Be aware that an incursion with an external provider does not absolve supervision duties of the teacher, including first aid duties. A teacher must be present at all times and remain the person designated with duty of care responsibilities. Be aware that camps and excursions outside the school require the teacher to fully comply with Department of Education and Training (DET) guidelines and bring with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care. Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines. Be aware that school policy is for students to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities. The teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school. Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher. The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and

a first aid kit. If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the Principal of the new arrival time so that parents can be contacted and a senior staff member will remain at school until they arrive. If crossing roads, students are to use designated crossing points. Staff are to walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road. All staff must follow the DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must also be followed.

#### INFORMING STAFF OF THE LEGISLATIVE LIABILITY OF DUTY OF CARE

All staff will be informed of their legal requirement via:-

- A copy of this document will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed on the intranet
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Duty of Care/Student wellbeing will be an agenda item at staff meetings and staff will be directed to familiarise themselves with section Student Safety of the Victorian Government Schools Policy Advisory Guide.
- Link to camps doc
- Staff will be directed to the student wellbeing policy .

#### STATEMENT OF COMMITMENT TO CHILD SAFETY AND CHILD SAFETY PRINCIPLES

Yarra Road Primary School is committed to the safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making.

The school's approach to creating and maintaining a child safe school environment is guided by our school philosophy and values. At Yarra Road Primary School, our vision is *'to create a passionate learning community that inspires, challenges and supports all students to achieve their personal best and make a positive contribution to the world in which they live.'* We know children can struggle to achieve their personal best if they are not safe from abuse.

At Yarra Road Primary School, our values guide the decisions and behaviours of all members of our school community, including in relation to child safety:

- Respect – for ourselves and others - to be caring and compassionate and value the rights, opinions and feelings of others
- Responsibility – To be responsible for our own actions and to be honest with each other.
- Excellence – To always do our best to achieve our goals
- Confidence – to believe we can do it
- Resilience – To be able to bounce back again and be positive

Yarra Road Primary School has zero tolerance for child abuse.

We are committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Our child safe policies, procedures, strategies and practices will be inclusive of the needs of all children, particularly Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable.

Every person involved in Yarra Road Primary School has a responsibility to understand the important and specific role they play individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

## Child safety principles

In its planning, decision-making and operations, Yarra Road Primary School will:

1. Take a preventative, proactive and participatory approach to child safety;
2. Value and empower children to participate in decisions which affect their lives;
3. Foster a culture of openness that supports all persons to safely disclose risks of harm to children;
4. Respect diversity in cultures and child rearing practices while keeping child safety paramount;
5. Provide written guidance on appropriate conduct and behaviour towards children;
6. Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development;
7. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such concerns;
8. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities;
9. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk; and
10. Value the input of and communicate regularly with families and carers.

## POLICY

### Strategies to embed a child safe culture

Yarra Road Primary School's culture encourages staff, students, parents and the school community to raise, discuss and scrutinise child safety concerns. This makes it more difficult for abuse to occur and remain hidden.

All child safety documents, including this policy, the Child Safety Code of Conduct, the school's Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures, [Identifying and Responding to All Forms of Abuse in Victorian Schools](#) and the [Four Critical Actions for Schools](#) are readily available online and in hard copy at the Office for all staff and students to read at any time.

Child safety is everyone's responsibility. **All school staff** are required to:

- Act in accordance with the school's Child Safety Code of Conduct, which clearly sets out the difference between appropriate and inappropriate behaviour
- Act in accordance with the Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures at all times, including following the [Four Critical Actions for Schools](#) where necessary
- Undertake annual guidance and training on child safety
- Act in accordance with their legal obligations, including:
  - Failure to disclose offence (applies to all adults)
  - Duty of care (applies to all school staff)
  - Mandatory reporting obligations (applies to all mandatory reporters, including teachers, principals, registered psychologists, and registered doctors and nurses)
  - Failure to protect offence (applies to a person in a position of authority within the school)
  - Reportable conduct obligations (applies to all school staff in reporting conduct to the principal, and applies to the principal in reporting to Employee Conduct Branch)
  - Organisational duty of care (applies to the school as an organisation)
  - For more information on these obligations, see [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

As part of Yarra Road Primary School's child safe culture, **school leadership** (including the Principal and assistant principal) will:

- Consider the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, when implementing the Child Safe Standards
- Ensure that child safety is a regular agenda item at school leadership meetings and staff meetings
- Encourage and enable staff professional learning and training to build deeper understandings of child safety and prevention of abuse
- Ensure that no one is prohibited or discouraged from reporting an allegation of child abuse to a person external to the school or from making records of any allegation.

As part of Yarra Road Primary School's child safe culture, **school mandatory reporting staff** are required to:

- Complete the [Protecting Children – Mandatory reporting and other obligations](#) online module every year
- Read the school's Child Safety Code of Conduct on induction, and maintain familiarity with that document
- Read the school's Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures on induction, and maintain familiarity with that document
- Read the school's Child Safety Policy (this document) on induction, and maintain familiarity with that document.

As part of Yarra Road Primary School's child safe culture, in performing the functions and powers given to them under the *Education and Training Reform Act 2006*, **school councils and school council members** will:

- Ensure that child safety is a regular agenda item at school council meetings
- Consider the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, when making decisions regarding the Child Safe Standards
- Undertake annual guidance and training on child safety, such as the [Child Safe Standards School Council Training PowerPoint](#).
- Approve the Child Safety Code of Conduct to the extent that it applies to school council employees and members, and if updated, note the new document in its school council meeting minutes
- When hiring employees, ensure that selection, supervision and management practices are child safe (unless delegated to the Principal).

School leadership will maintain records of the above processes.

### **Roles and responsibilities**

School leaders will ensure that each person understands their role, responsibilities and behaviour expected in protecting children and young people from abuse and neglect. Staff will comply with the school's Child Safety Code of Conduct, which sets out clearly the difference between appropriate and inappropriate behaviour.

Specific child safety responsibilities:

- Yarra Road Primary Schools Welfare Coordinator is responsible for reviewing and updating the Child Safety Policy every 3 years.
- Yarra Road Primary School's Welfare Coordinator is responsible for monitoring the school's compliance with the Child Safety Policy. The school community should approach the Schools Welfare Coordinator if they have any concerns about the school's compliance with the Child Safety Policy.



- Yarra Road Primary School’s Welfare Coordinator is responsible for informing the school community about this policy, and making it publicly available.
- Other specific roles and responsibilities are named in Yarra Road Primary School’s other child safety policies and procedures, including the Child Safety Code of Conduct, Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures, and risk assessment register.

### **Recruitment**

Yarra Road Primary School follows the Department’s Recruitment in Schools guide to ensure child safe recruitment practices, available on the [Department’s website](#).

All prospective volunteers are required to comply with our school’s Volunteers Policy, including assessing the suitability of prospective volunteers and obtaining checks required under this policy. This will include requiring all volunteers on fete stalls, fundraising committees etc. to hold a Working with Children Check.

### **Training and supervision**

Training and education is important to ensure that everyone in the school understands that child safety is everyone’s responsibility.

Our school culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in coming forward with any allegations or suspicions of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse. This training occurs annually or more often as required.

We also support our staff and volunteers through ongoing supervision to develop their skills to protect children from abuse, to promote the cultural safety of Aboriginal and Torres Strait Islander children and children from linguistically and/or diverse backgrounds, and the safety of children with a disability and vulnerable children.

New employees and volunteers will be inducted into the school, including by being referred to the Child Safety Policy (this document), the Child Safety Code of Conduct, and the Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures on the school website. A copy of the Code of Conduct will also be available upon signing in with the Compass booth. They will also be supervised regularly to ensure they understand our school’s commitment to child safety, and that their behaviour towards children is safe and appropriate. All employees of our school will be monitored and assessed via regular performance review to ensure their continuing suitability for child-connected work. Any inappropriate behaviour will be reported by school staff to the Principal or Assistant Principal and will be managed in accordance with Yarra Road Primary School’s Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures where required.

### **Reporting a child safety concern or complaint**

The school has clear expectations for all staff and volunteers in making a report about a child or young person who may be in need of protection. All staff (including school council employees) must follow the school’s Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures, including following the [Four Critical Actions for Schools](#) if there is an incident, disclosure or suspicion of child abuse. Immediate actions should include reporting their concerns to DHHS Child Protection, Victoria Police and/or another appropriate agency and notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Yarra Road Primary School will never prohibit or discourage school staff from reporting an allegation of child abuse. The school will always take action to respond to a complaint in accordance with the school’s Child



Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures. In accordance with Action 4 of the Four Critical Actions for Schools, Yarra Road Primary School will provide ongoing support for students affected by child abuse.

The Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures can be found on the school website.

### **Risk reduction and management**

Yarra Road Primary School believes the wellbeing of children and young people is paramount, and is vigilant in ensuring proper risk management processes, found in the school's risk assessment register. The school recognises there are potential risks to children and young people and will take a risk management approach by undertaking preventative measures.

We will identify and mitigate the risks of child abuse in school environments by taking into account the nature of each school environment, the activities expected to be conducted in that environment and the characteristics and needs of all children expected to be present in that environment.

Yarra Road Primary School monitors and evaluates the effectiveness of the actions it takes to reduce or remove risks to child safety, more information can be found in the school's risk assessment register.

### **Listening to, communicating with and empowering children**

Yarra Road Primary School has developed a safe, inclusive and supportive environment that involves and communicates with children, young people and their parents/carers. We encourage child and parent/carer involvement and engagement that informs safe school operations and builds the capability of children and parents/carers to understand their rights and their responsibilities. Our school is committed to supporting and encouraging students to use their voice to raise and share their concerns with a trusted adult at any time of need. Students can access information on how to report abuse via the Student Wellbeing Officer and the school Office.

When the school is gathering information in relation to a complaint about alleged misconduct with or abuse of a child, the school will listen to the complainant's account and take them seriously, check understanding and keep the child (and/or their parents/carers, as appropriate) informed about progress.

The school will promote the Child Safe Standards in ways that are readily accessible, easy to understand, and user-friendly to children, including:

- All of our child safety policies and procedures will be available for the students and parents at Yarra Road Primary to read at school reception
- PROTECT Child Safety posters will be displayed across the school
- School newsletters will inform students and the school community about the school's commitment to child safety, and strategies or initiatives that the school is taking to ensure student safety
- Age-appropriate discussion of child safety with students
- The Four Critical Actions are actively taught to mandatory reporters and other school staff
- The whole school is encouraged to contribute to risk assessment and mitigation

The school will use its health and wellbeing programs to deliver appropriate education to its students about:

- standards of behaviour for students attending the school;
- healthy and respectful relationships (including sexuality);
- resilience; and
- child abuse awareness and prevention.

Yarra Road uses Respectful Relationships, Positive Education, Friendology and Esmart programs.

## Communications

This school is committed to communicating our child safety strategies to the school community through:

- Ensuring that the Child Safety Policy (this document), Code of Conduct, and the Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedure are available on the school website
- Reminders in the school newsletter of our school's commitment to child safety
- Ensuring that child safety is a regular agenda item at school leadership meetings and staff meetings for discussion
- Discussing policies at school tours with prospective parents, at parent information sessions or in class, volunteer induction processes, and by placing posters throughout the school

## Confidentiality and privacy

This school collects, uses and discloses information about particular children and their families in accordance with Victorian privacy law. The principles regulating the collection, use and storage of information is included in the Department of Education and Training's [Schools' Privacy Policy](#).

## Related policies and documents

Related policies and documents include:

- Code of Conduct
- Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures
- Risk assessment register
- [Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- [Four Critical Actions for Schools](#)
- [Recording your actions: Responding to suspected child abuse – A template for Victorian schools](#)
- [Identifying and Responding to Student Sexual Offending](#)
- [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- [School Policy and Advisory Guide – Duty of Care](#)
- [School Policy and Advisory Guide – Child Protection Reporting Obligations](#).

## REVIEW CYCLE AND EVALUATION

To ensure ongoing relevance and continuous improvement, this policy will be reviewed every 3 years. The review may include input from students, parents/carers and the school community.

Last Review Date	Approved by	Next Scheduled Review Date
Feb 2022	Principal	Feb 2025