

BALLARAT ASSOCIATED SCHOOLS

CHILD SAFE POLICY



Executive Officer:

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Date of policy Implementation: January 2021

Date of next full review: January 2024

Ongoing review and feedback encouraged

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1. Introduction

It is the purpose of Ballarat Associated Schools (BAS) to provide structured competition for the member schools to maximise the opportunities for students to participate in organised sport.

The purposes of the Association are:

1. To be a group of like-minded schools in the Ballarat region who associate for the purposes of sporting, cultural and social inter-change in a mutually supportive manner for the benefit of the students of the schools.
2. To arrange and enter into inter-school activities in order to cultivate friendship, goodwill and a spirit of fair play and comradeship.
3. To promote a spirit of co-operation, generosity, courtesy, consideration and healthy competition amongst member schools at all times.

(Please see BAS Handbook for a complete list of purposes of BAS)

2. Purpose of the Policy

The purpose of this policy is to demonstrate the strong commitment of BAS to the care, safety and wellbeing of all students in our school sporting association. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse at our sporting environments, on campus at member schools, online and in other locations provided by the association.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as *mandated by Ministerial Order 870, in the Education and Training Reform Act 2006, December 2015.*

- 1.1. BAS holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school sporting association. BAS is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. BAS supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of the BAS Child Safe Policy (the Policy) is to protect the safety of children and young people in our care and prevent all abuse from occurring, and in the event that allegations are raised in relation to abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.

3. Principles

BAS schools and organisations they associate with have a moral and legal responsibility to create nurturing environments where children and young people are respected, their voices are heard, and that they are safe and feel safe.

- 3.1. BAS is committed to providing the highest level of membership service. This includes protecting students' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing students and delivering BAS activities while acting in the best interests of children and young people in sport.
- 3.2. Specifically, BAS considers that the health, safety and well-being of children and young people takes priority over all other competing considerations. BAS considers that this is necessary to ensure the health, safety and welfare of all students involved in BAS activities and to protect the image and reputation of sport, BAS and its member schools.
- 3.3. BAS has a zero-tolerance approach to the abuse of children and young people and is committed to promoting and protecting children / young people from abuse and neglect to the greatest extent possible. All children and young people have equal rights to protection from all forms of abuse and neglect, regardless of their sex, religion, disability, gender diversity or sexual orientation etc.
- 3.4. The protection of children and young people is a shared responsibility between BAS, its member schools, employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the BAS community. Everyone that participates in BAS activities is responsible for the care and protection of children and young people, and reporting information about abuse.
- 3.5. All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect. Staff, volunteers, contractors, parents and students should feel free to raise concerns about the safety of children and young people, knowing these will be taken seriously by association leadership.
- 3.6. Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.
- 3.7. BAS supports the active participation of all children and young people. It listens to their views, respects their views and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).

3.8. BAS is also committed to the cultural safety of Aboriginal children and young people, those from culturally and/or linguistically diverse backgrounds, LGBTI students, and to providing a safe environment for children and young people living with a disability.

3.9. BAS promotes fairness and consideration for all staff, volunteers and participants. The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and children and young people.

4. SCOPE

4.1. This Policy applies to participants, parents, spectators, contractors, officials, coaches, judges and staff throughout all BAS events and activities, whether or not they work in direct contact with children or young people.

4.2. This Policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with BAS.

4.3. Membership with Ballarat Associated Schools is conditional on member schools implementing, and complying with this Policy. Failure to implement and comply with this Policy may cause BAS to end the school's membership that is in breach of its obligations.

5. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

5.1. This Policy must be read in conjunction with:

5.1.1.the law of the Commonwealth and Victoria including but not limited to:

5.1.1.1.Children, Youth and Families Act 2005 (Vic)

5.1.1.2.Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)

5.1.1.3.Working with Children Act 2005 (Vic)

5.1.1.4.Education and Training Reform Act 2006 (Vic) and

5.1.1.5.Equal Opportunity Act 2010(Vic)

5.1.1.6.Crimes Act 1958 (Vic) - Three new criminal offences have been introduced under this Act:

a) **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child or young person under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

b) **Failure to protect offence:** The offence will apply where there is a substantial risk that a child or young person under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the

offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

- c) **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child or young person, either in person or online (for example via interaction through social media, web forums and emails).

5.1.2. BAS policies and procedures, including but not limited to:

5.1.2.1. Privacy Policy;

5.1.2.2. Constitution Rules (inclusive of Grievance and Discipline procedures;

5.1.2.3. Codes of Ethics / Child Safe Code of Conduct;

5.1.2.4. CHILD SAFETY; RESPONDING AND REPORTING OBLIGATIONS (including Mandatory Reporting) POLICY and PROCEDURES

6. Definitions used in this Policy

Child: A child or a young person enrolled as a student at any BAS member school.

Child abuse includes:

(a) any act committed against a child involving:

- a sexual offence
- an offence under section 49B(2) of the **Crimes Act 1958** (grooming)

(b) the infliction, on a child, of:

- physical violence
- serious emotional or psychological harm

(c) serious neglect of a child. (["Child Wellbeing and Safety Amendment \(Child Safe Standards\) Act 2015"](#))

Child safety encompasses matters related to protecting all children and young people from child abuse, managing the risk of child abuse, providing support to a child or young person at risk of child abuse, and responding to incidents or allegations of child abuse. (["Child Wellbeing and Safety Amendment \(Child Safe Standards\) Act 2015"](#))

Child neglect: The failure by a parent or caregiver to provide a child or young person (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

Child physical abuse: Generally, the physical abuse of a child or young person refers to the non-accidental use of physical force against a child / young person that results in harm to the child /young person. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking,

biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour.

Child protection: Statutory services designed to protect children and young people who are at risk of serious harm.

Child sexual abuse: Any sexual activity between a child /young person under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child or young person and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse.

Mandatory Reporting: The legal requirement to report suspected cases of abuse and neglect of a child or young person is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a student's use (including, without limitation, locations used for sporting events, excursions, competitions, and other events). (["Child Wellbeing and Safety Amendment \(Child Safe Standards\) Act 2015"](#))

Child Connected Work means work authorised by BAS and performed by an adult in a school environment while children and present or reasonable expected to be present

School staff and officials means an individual working in a school environment (on or off campus including at School Sports Events ran by BAS) who is:

- (a) directly engaged or employed by a BAS
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)

7. Policy Commitments

All students participating at BAS events have the right to feel safe and be safe. The wellbeing of children and young people at our events will always be our first priority and we do not and will not tolerate abuse of a child or young person. We aim to create a child-safe and child-friendly environment where children and young people are free to enjoy life to the full without any concern for their safety. There is particular attention paid to diverse children / young people in our environment, including Aboriginal and Torres Strait Islander students, students from culturally and/or linguistically diverse backgrounds, LGBTI students, students with disabilities and students who are vulnerable.

Our commitment to our member school students

- (a) We commit to the safety and wellbeing of all children and young people enrolled in our member schools.
- (b) We commit to providing children and young people with positive and nurturing experiences.
- (c) We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
- (e) We commit to seeking input and feedback from students regarding the creation of a safe school sporting environment.

Our commitment to parents and carers

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- (d) We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.

- (e) We commit to continuously reviewing and improving our systems to protect children and young people from abuse.

Our commitment to our school staff (school employees, volunteers, contractors, board members)

- (a) We commit to providing all BAS staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- (b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
- (c) We commit to listening to all concerns voiced by BAS member schools staff, board members, volunteers, and contractors about keeping children and young people safe from harm.
- (d) We commit to providing opportunities for BAS member schools employees, volunteers, contractors and board members to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

8. Responsibilities and Organisational Arrangements

Everyone employed or volunteering at BAS events has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make. ([BAS Commitment Statement to Child Safety](#))

BAS 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.

The Association has allocated roles and responsibilities for the safety of children and young people as follows.

8.1 Guide to Responsibilities of BAS Leadership / Administration

The Board Members (BAS Inc.) and Executive Officer at BAS recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for the safety of children and young people. Responsibilities include:

- creating an environment for ALL children and young people to be safe and to feel safe
- Consider the diversity of all children / young people, including (but not limited to) the needs of Aboriginal and Torres Strait Islander students, students from culturally and linguistically diverse backgrounds, students with disabilities, LGBTI students and students who are vulnerable, when implementing the Child Safe Standards
- upholding high principles and standards for all staff, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration

- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that association personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the association meets the specific requirements of the Victorian Child Safe Standards as mandated by Ministerial Order 870, in the Education and Training Reform Act 2006, December 2015.
- ensuring that no one is prohibited or discouraged from reporting an allegation of child abuse to a person external to the Association and from making records of any allegations.
- Ensuring that Child Safety is a regular agenda item at ALL BAS Inc. Meetings.

8.2 Guide to Responsibilities of BAS Staff

Responsibilities of BAS staff (including school employees, volunteers, contractors, officials) include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to the safety and the wellbeing of children and young people
- assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- act in accordance with the *BAS Child Safety Code of Conduct*, which clearly sets out the difference between appropriate and inappropriate behaviour.
- following the legislative and internal school processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- 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*.

8.3 Guide to Responsibilities of Mandatory Reporting Staff:

- **All member and affiliated member schools of BAS will have appointed Mandatory Reporting Staff who will be called upon in relation to matters concerning Ballarat Associated Schools and their own school community.**

As part of the BAS safe culture for children and young people, **school mandatory reporting staff** are required to:

- Complete the Protecting Children – Mandatory reporting and other obligations online module every year [Note that it is a DET requirement that mandatory reporters complete this training annually. It also helps with demonstrating compliance with the Child Safe Standards]
- Read the association’s Child Safety Code of Conduct on induction, and maintain familiarity with that document
- Read the association’s Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures on induction, and maintain familiarity with that document
- Read the association’s Child Safety Policy (this document) on induction, and maintain familiarity with that document.
- record any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and store the records in accordance with security and privacy requirements.

9. Expectation of our BAS – Child Safety Code of Conduct

At BAS we expect employees, volunteers, officials and contractors to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child or young person from any of our six member schools and schools affiliated with our Association. All staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to the protection of all children and young people and to comply with all requirements. We have developed a Child Safety Code of Conduct, which recognises the critical role that staff play in protecting the students at our events and establishes clear expectations of school employees, volunteers and contractors for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects staff, school employees, volunteers and contractors through clarification of acceptable and unacceptable behaviour.

10. Student Safety and Participation

At BAS, we actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

Our member schools teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.

11. Reporting and Responding

Our association records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our association complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report.

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Our association's **CHILD SAFETY; RESPONDING AND REPORTING OBLIGATIONS (including Mandatory Reporting) POLICY and PROCEDURES** updated in January 2021, sets out the actions required under the relevant legislation when there is a reasonable belief that a child or young person within our association is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Our association has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student from within BAS.

Refer to **CHILD SAFETY; RESPONDING AND REPORTING OBLIGATIONS (including Mandatory Reporting) POLICY and PROCEDURES** on the www.bas.vic.edu.au

12. Screening and Recruitment of BAS Staff

BAS will apply screening processes in the recruitment of all employees, officials, contractors and prospective volunteers involved in student-connected work. All employees, officials, contractors and prospective volunteers are provided with copies of the association's Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, officials, contractors and prospective volunteers involved in student-connected work, we make all reasonable efforts to:

- 12.1. Confirm the minimum standard for background checks of employees and volunteers of BAS and its members is the law as it applies in Victoria.
- 12.2. BAS undertakes a comprehensive recruitment and screening process for all staff and prospective volunteers which aims to:

- 12.2.1. promote and protect the safety of all children and young people who participate in the activities of BAS;
 - 12.2.2. identify and recruit the safest and most suitable candidates who share BAS's values and commitment to protect children and young people; and
 - 12.2.3. prevent a person from working at BAS if they pose an unacceptable risk to children / young people.
- 12.3. BAS requires staff and prospective volunteers to pass the recruitment and screening process prior to commencing their engagement with BAS.
- 12.4. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people in a school setting.
- 12.4.1. all BAS staff and Board members require a WWCC; and
 - 12.4.2. the following key event personnel must have a valid WWCC:
 - 12.4.2.1. those paid by BAS for their services;
 - 12.4.2.2. prospective volunteers;
 - 12.4.2.3. relevant contractors who may have unsupervised access to children; and
 - 12.4.2.4. anyone else who BAS staff feel requires a WWCC due to the nature of the work that they are undertaking for BAS.
- 12.5. The type of evidence that an applicant is required to provide to BAS will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence to BAS.
- 12.6. BAS will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and during their time with BAS in regular intervals.
- 12.7. Once engaged, BAS will provide staff and prospective volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.
- 12.8. BAS requires that member schools ensure all staff and prospective volunteers (including coaches and any officials) likely to have contact with students have a current WWCC, which needs to be signed off annually as part of the membership process. Schools which do not comply with their legal obligations will be found to have not complied with the BAS membership requirements and may cause BAS to end the school's membership that is in breach of its obligations.

12.9. BAS requires all personnel including prospective Volunteers, Coaches, Umpires, Referees, Officials, Judges and anyone else who has contact with children to possess a valid working with children check. Any costs associated with gaining a valid WWCC will be the responsibility of the individual.

13. Child Safety – Education and Training for BAS Staff

BAS through its member and affiliate member schools provides employees with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing access to training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

14. Risk Management

At BAS we are committed to proactively and systematically identifying and assessing risks to student safety across our various sporting event venues, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

BAS Risk Management Plans and sport specific Risk Assessments identify and mitigate the risks of 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 and young people expected to be present in that environment.

BAS 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 BAS Risk Assessment Register at www.bas.vic.edu.au

15. Breach of Policy

Where any person is suspected of breaching any obligation, duty or responsibility within this policy, BAS is to take appropriate action, including in accordance with: **CHILD SAFETY; RESPONDING AND REPORTING OBLIGATIONS (including Mandatory Reporting) POLICY and PROCEDURES** and with the assistance of the current BAS Chairperson.

16. Review of this Child Safety Policy

At BAS we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

16.1. This policy will be reviewed by the BAS Inc. on a triennial basis.

16.2. If you would like to provide BAS with any feedback or suggestions to improve this policy, please contact the Executive Officer via www.bas.vic.edu.au

16.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to BAS Inc. for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via the webpage and other appropriate communication channels.

We will maintain a history of updates to the policy.

History of Updates to Policy

Date	Comment (e.g. major review, minor review)
September 2020	Major Review
October 2020	Documents approved by BAS Inc. 28/10/2020

17. References

Catholic Education Commission of Victoria Ltd (CECV) 2016, [*Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools.*](#)

Catholic Education Commission of Victoria Ltd (CECV) 2013, [*Victorian Catholic Education Multi Enterprise Agreement 2013*](#), CECV.

Congregation for Catholic Education 1997, [*The Catholic School on the Threshold of the Third Millennium*](#), Vatican.

Safe Schools Hub 2014, [*National Safe Schools Framework Glossary*](#), Australian Government Department of Education and Training.

State of Victoria 2016, [*Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870*](#), Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Victorian Government Department of Justice 2016, [*Betrayal of Trust Implementation.*](#)