

Child Protection Program Definitions

Gippsland Grammar (the **School**) is committed to protecting its students from all aspects of harm, and has established strategies, practices, policies and procedures to uphold this commitment.

The School takes a zero tolerance approach to any behaviours that jeopardise student safety (including child abuse and reportable conduct). The School regards its student safety responsibilities with the utmost importance, and strives to deliver an academic care model that promotes the School's core values of compassion, leadership, excellence, respect and responsibility.

The School's aim is to create an environment where students can learn in a calm and focused environment characterised by ethical behaviour and defined professional boundaries, and where they feel safe and supported by the School.

This document is part of the School's Child Protection Program, and sets out the key definitions used in that Program.

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.

CCYP means Commission for Children and Young People.

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.

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.

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

Executive Leadership Team refers to the Principal, Deputy Principal, Heads of Campus, Deputy Head of Garnsey Campus and the Business Manager.

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).

Mandatory reporter has the same meaning as section 182 of the CYF Act and includes Teachers, the Principal, Medical Practitioners, Nurses, Registered Psychologists, Early Childhood Workers and Persons in Religious Ministry.

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.

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 is not the same as having hard evidence or proof. A 'reasonable belief' is formed if a reasonable person in the same position as you, and armed with the same information, would have formed the belief on the same grounds.

It is not necessary to have proof to form a reasonable belief, and you do not need to make a judgment about the truth of an allegation, however you must believe that it is more than mere rumour or speculation.

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

A child states that they have been sexually abused.

A child states that they know someone who has been sexually abused (because sometimes the child may be talking about themselves).

Someone who knows a child states that the child has been sexually abused.

Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused.

Signs of sexual abuse lead to a belief that the child 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 SPO or the Executive Leadership 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.

School means Gippsland Grammar.

School community means all those who are directly and indirectly involved with the School, including students, parents 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 child, for example, through regular contact with the child without the knowledge or approval of the school;

Inappropriately discussing sex and sexuality with a child; 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.

SPO means a Student Protection Officer.

Staff and staff members include Board members, the Principal, employees, ministers of religion, volunteers, and any contracted service providers involved in child-related work.

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.

Victimisation means treating a person unfairly or unreasonably because they, or someone associated with them, has made, or intends to raise a concern about child safety or student wellbeing, or who is otherwise involved or participates in a process covered by the Child Protection Program.

VIT means the Victorian Institute of Teaching.

WWC Act means *Working with Children Act 2005* (Vic), as amended from time to time.

Communication

This document is available to parents, students and the School community via the School's website.

This document is available to staff as part of the Child Protection Program. The Child Protection Program forms part of the School's induction program for incoming staff, and aspects of (and updates to) the Child Protection Program will be addressed in the School's professional development updates, training programs, bulletins and newsletters.

Authorisation and Evaluation

This document was authorised by the Principal and the Board in December 2020.

This document will be reviewed annually.

Related Policies

Child Protection and Safety Policy

Child Protection Staff Code of Conduct

Child Protection Responsibilities

Make a Report Procedure