



# ST. MARY'S SCHOOL

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“Let your light shine”

## Failure to Protect Policy

**Reviewed: Term 3 2016**

**Ratified by School Board:**

### **Commitment to Child Safety**

All students enrolled, and any child visiting, have the right to feel safe and be safe in all school environments and outside of school hours. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.

### **Basic Beliefs:**

- That our school community nurtures the development of the whole child.
- Providing programs and support that meet the individual needs of all students (social, emotional, educational, psychological, spiritual, physical and behavioural).
- In accordance with the policy set by The Sandhurst School Education Board (SSEB), St. Mary's is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the school community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.
- St. Mary's believes that, while protecting children and young people against sexual abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.
- A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the culture of St. Mary's School and the responsibility for taking action is understood and accepted at all levels of the organisation.

## **Aims and Objectives:**

- All St. Mary's Staff acknowledge that it is now a criminal offence under the Victorian Crimes Act, introduced in 2014, of 'failure to protect', which provides that a person who:
- by reason of the position he / she occupies within our school community has the power or responsibility to reduce or remove a substantial risk that a child will become the victim of a sexual offence committed by a person of or over the age of 18 years.
- knows that there is a substantial risk that the person will commit a sexual offence against a child – must not negligently fail to reduce or remove that risk.

**Note:** *In determining whether an offence of 'failure to protect' has taken place it is not necessary to prove that a sexual offence was committed. The offence applies only to adults in a position of authority within an organisation, including roles such as, but not limited to, canonical administrators, principals, senior school leaders, business managers. This policy is enacted to sustain child safe schools, to inform all those occupying such positions within the Diocese of Sandhurst are aware that they may be subject to the criminal offence of 'failure to protect' if they negligently fail to reduce or remove risks to children associated with that organisation, and to provide guidance in fulfilling their responsibilities.*

## **Definitions:**

### **Child and Young Person**

A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.

### **Person in authority**

A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation. The role may be a formal, management role but may also apply to less formal roles such as a volunteer coach for a sports team.

### **Reasonable belief**

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' is not the same as having proof. Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

## **Organisation:**

- This policy applies to all Staff of St. Mary's School in supporting of safe environments for all children and young people.
- It applies to all persons in positions of authority, to understand their role and responsibility on protecting the safety and wellbeing of children and young people.
- St. Mary's has documented School-based policies and procedures concerning the responsibilities of those in authority to protect children from abuse

- Staff are fully informed of and committed to of their obligations and responsibilities to proactively protect children from abuse.
- There is a school-wide risk identification and management process in place that fully integrates matters of child safety and protection on an ongoing basis into all school-related activities, regardless of location or timing.
- Annually there is communication of this policy to staff and the wider school community, including during induction processes
- Training of school staff in personal safety and the identification of possible sexual abuse is carried out on an annually.
- Thorough and systematic education in personal safety, including safety in relationships is provided for all students in our school, often running parallel to the Source of Life Program and Inquiry Topics and are presented in age appropriate form.
- The expectation for prompt and full responses to any allegations enacted and well documented records are retained securely and in a confidential manner.
- To ensure that the Mandatory Reporting Process is implemented if and when necessary.

**Resources:**

**1) Core:**

Child First (Department of Human Services)

crimes Amendment (Protection of Children) Act 2014, online,

[http://www.austlii.edu.au/au/legis/vic/num\\_act/caoca201436o2014417](http://www.austlii.edu.au/au/legis/vic/num_act/caoca201436o2014417)

- Children, Youth and Families Act (Vic) 2005
- Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations,
- Final Report, Betrayal of Trust, November 2013.
- Integrity in the Service of the Church, online,  
<https://www.catholic.org.au/documents/1345-integrity-in-service-of-thechurch-1>

**2) Support:**

Principal / Deputy Principal

**Evaluation: Expectations and Procedures**

Child First will control procedure following the incident report