



## Child Protection Program Definitions

This document sets out the key definitions used in Aitken College's Child Protection 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.

**College** means Aitken College.

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

**CSO** means a Child Safety Officer.

**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.

**External Education Provider** means any contracted service provider that the College has engaged to deliver a specified course of study that is part of the curriculum to a student or students enrolled at the College, whether the delivery of the course takes place on College premises or elsewhere.

**Leadership Team** refers to the Principal, Deputy Principal, Head of Senior School, Head of Middle School, Head of Junior School, Deputy Head of Primary.

**Grooming** is defined in the *Crimes Act 1958 (Vic)* and refers to any communication (by words or conduct) engaged in by an adult with a child the age of 16 years (or another person who is otherwise under the care, supervision or authority of the adult), with the intention of facilitating the commission of a sexual offence involving the child or person.

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 and 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, but 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 CSO.

**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 College.

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.

**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:

- In the context of reportable conduct and child abuse, a sexual offence set out in clause 1 of Schedule 1 to the *Sentencing Act 1991* (Vic).
- In the context of the failure to disclose offence, an offence set out in section 327(1) of the *Crimes Act 1958* (Vic).
- In the context of the failure to protect offence, an offence set out in section 490(7) of the *Crimes Act 1958* (Vic).

Examples of sexual offences include sexual assault (including rape and attempted rape), indecent acts, incest, 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.

**Staff and staff members** include Board members, the Principal, employees, ministers of religion, volunteers, and any contracted service providers.

Without limitation, this includes:

- External Education Providers and their staff.
- Volunteers involved in College camps and excursions, coaching sporting teams, assisting in learning activities or administrative roles.
- Contractors that are engaged directly by the College to either perform work on the College premises, at College activities and events, or otherwise in relation to child-related work (such as maintenance and building personnel, consultants, tutors, and sports coaches).

**Student** means a child under 18 years of age, and any student at the College 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 the College community and public on the College website.

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

## Approval and review

The College's Board has endorsed this document.

The Child Protection Program will be reviewed annually.

## Related documents

This document forms part of the College's Child Protection Program and should be read in conjunction with its various policies and procedures, including the following:

- Child Safe Policy Statement
- Child Safety Staff Code of Conduct
- Child Safety Responsibilities Policy Statement
- Reporting and Responding to Child Safety Concerns Policy Statement

## Revision History

Version	Date	Reviewed/Updated by (name)	Position/Title
1	12/11/2020	Josie Crisara College Board (together with RK Lawyers)	Principal