



## Rationale

Protecting children and young people against sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children or young people are safe in their care and to ensure that all forms of abusive behaviours towards children are prevented.

The Crimes Act 1958 (Vic) includes an offence for failure by a person with power, authority and responsibility within an organisation to protect a child under the age of 16 years who is under the care or supervision of the organisation.

As soon as a person in authority becomes aware of a risk of child sexual abuse, he/she will be under a duty of care to remove or reduce that risk. A criminal offence applies where the person in authority:

- knows that there is a substantial risk of a sexual offence being committed against a child by a person over 18 years associated with the organisation; and
- negligently fails to reduce or remove that risk.

**It is imperative to prevent, reduce and minimise child abuse and exploitation in all their forms.**

## Scripture

“But if anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him? Little children let us not love in word or talk but in deed and in truth.” 1 John 3 17-18

## Vision

Inspired by the life of Christ, our Presentation Heritage and the Salesian Charism, Nagle College is a Catholic community that welcomes, builds strong relationships, evangelizes and prepares young people for life.

## Mission

- Develop a safe, nurturing and hope-filled community based on Christ's message of love, justice and service.
- Be people of dignity, respect, compassion, resilience and unconditional love”.

## Aim

This policy informs schools of their responsibilities in relation to child protection and disclosure/reporting obligations. The policy acknowledges the particular duty of care and legal responsibilities assigned to school principals and staff in senior leadership roles.



## Principles

- The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Nagle College.
- A safe environment is required to protect young people from harm and to prevent staff from abusing their position of authority and trust.
- Staff need to be informed of matters related to child sexual abuse and be fully self-aware of their professional obligations and responsibilities.
- All young people have the right to an education in personal safety, including safety in relationships.
- After a disclosure, any ongoing harm to the child/young person and the employee is minimised by:
  - adherence to agreed procedures
  - provision of appropriate social and emotional support and pastoral care
  - appropriate confidentiality.
  - Failing to reduce the risk or act of sexual abuse against a young person is a serious offence.

## Definitions

For the purposes of this policy, the following definitions apply:

- **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.
- **Confidential:** Being entrusted with private and restricted information that must be treated as such, both in verbal and written form.

## Duty of Care

Staff or volunteers working in schools have a duty of care to support and protect the children and young people with whom they are professionally involved.

When staff members form a reasonable belief that a young person has been harmed, or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some staff members this obligation is legally mandated. (Refer Nagle College Mandatory Reporting of Child Physical and Sexual Abuse Policy)

Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care
- fails to report when mandated.



### **Reasonable belief**

A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ 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 (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 mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

### **Procedures**

This policy should be read in conjunction with the College’s Child Protection Program and Child Protection Policies.

The successful implementation of this policy will include the following:

- Regularly communicating this policy to staff.
- Educating children in personal safety and sexual abuse.
- Professional development of staff to identify possible sexual abuse.
- Taking action that is timely, respectful and coordinated when a staff member forms a belief that a child/young person is at risk of being harmed through sexual abuse. The matter must be referred to Victoria Police. Victoria Police has primary responsibility for conducting investigations into the alleged matter.
- If a mandated staff member, reporting to the Department of Health and Human Services (DHHS) unless advised by the Police.
- Ensuring that the young person and their family/carers have access to appropriate services in order to reduce any long-term effects of the abuse.
- Documenting all allegations and retaining records in a secure area, ensuring their confidentiality.

### **Expected Outcomes**

- Nagle College staff are informed of this obligation and are expected to be self-aware of their professional obligations and responsibilities.
- An education in personal safety, including safety in relationships, will be provided for students at the school.
- Approved professional learning in providing education in personal safety will be provided to all staff,
- All allegations will receive a prompt response and be clearly documented.



### **Related Policies**

- Nagle College Child Protection Program (2016).
- Child Protection and Safety Policy.
- Mandatory Reporting of Child Physical and Sexual Abuse Policy.
- Protection of Children-Grooming Policy.