



Policy - Staff & Student Professional Boundaries

Epping Primary School

Purpose

This policy applies to all teaching staff, non-teaching staff, School Council members, Direct and Indirect Contact Volunteers, Third Party Contractors and External Education Providers (together, known as 'staff' for the purposes of this policy only).

Epping Primary staff hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practicing of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against staff.

Epping Primary School is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse is minimised and a safe and supportive child safe environment is maintained.

It is our policy that:

- staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- staff identify, discourage and reject any advances of a sexual nature initiated by a student
- staff interaction with students is professional at all times, including inside and outside of school hours
- conflict of interest issues must be reported to the Principal as soon as practicable
- equal learning opportunities are given to each student without discrimination
- appropriate consequences will be applied to staff who breach professional boundaries

What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that School staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear; however, sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive and it is expected that all staff (no matter their age or experience) use their own good judgment, think very carefully of the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- How would I feel about explaining my actions at a staff meeting?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular student?

Intimate Relationships

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/guardians.

Such relationships have a negative impact on the teaching and learning of students and colleagues, and may carry a serious reputational risk for the staff member and, in turn, the School.

The professional relationship of staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g. pornography)
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so.

The imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/student relationship existed.

Personal relationships

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or guardians. It is the student's perception of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between staff and students may be compromised by staff:

- attending parties or socialising with students outside of organised School events (without parental/guardian permission)
 - sharing personal details about their private lives with students
 - meeting with students outside of school hours without permission from the School
- Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

Fair Learning Opportunities

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- always making decisions in the students' best interests

Electronic Communications between Staff and Students

It is expected that all staff at the School will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between staff and students should be via the school email system and reflect a professional staff/student relationship
- staff should not communicate with students via text message where it is not in a professional context and does not originate from a Epping Primary owned number i.e. Staff are not to communicate with students using their personal mobile phones
- staff should not give out their personal telephone numbers or social media contact details
- staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the School
- staff should not exchange personal pictures with a student
- any student personal contact numbers or other personal contact details made available to the School should only be used for School communications

Physical Contact with Students

All staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all staff at the School should adhere to the following guidelines for contact with students both in and outside of School grounds:

- staff should avoid unnecessary physical contact with students (This should be reflective of the Student's developmental needs (e.g. if the situation warrants it staff are not precluded from hugging a three-year-old child in distress)
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)
- § contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made

Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken

Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the President of the School Council if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the School (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

Disclosure of Staff/Student Interactions

It is Epping Primary's policy that all staff are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and has notified the School

Epping Primary maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School premises. These records are kept indefinitely.

Staff Responsibilities

All staff are to:

- follow the guidelines as set out in this policy
- immediately report any conflicts of interest
- remove themselves from decision making where a conflict has been identified

Where a staff member breaches this policy Epping Primary may take disciplinary action, including in the case of serious breaches, summary dismissal or termination of any contractual relationships with Third Party Contractors.

IMPLEMENTATION

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent/guardian education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary

Related Policies and Procedures

§ [Duty of Care](#)

§ [Statement of Commitment to Safety](#)

§ [Code of Conduct](#)

§ [School values and philosophy](#)

§ [Student Wellbeing and Engagement policy](#)

Review Cycle

This policy was updated on August 2019 and is scheduled for review in August 2021.

Epping Primary Child Safe Process for Making a Report

Epping Primary has appointed the person listed below to answer any questions that you may have with respect to our Child Safety Policy and the Child Safety and Reporting Program.

The School's Child Safety Officer is your first point of contact for reporting child safety issues within the School. They receive special training that allows them to deal with child safety concerns both sensitively and effectively.

If you have any concern that a child may be experiencing any form of abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of our Child Safety Officer.

The welfare and best interests of the child are paramount. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Epping Primary's Child Safety Officer

Name: Jan Hare

Phone: 94011389

Role Description

The Epping Primary Child Safety Officer:

- § Act as the person that staff, parents/guardians and children contact to discuss a suspected abuse or child safety concern
- § Ensure that accurate recording of all relevant information and actions are taken
- § Store all records and information in line with the School's Privacy Policy
- § Assess how and when to report to the School Executive and authorities
- § Act as "Child Safety Champion" and ensure a strong and sustainable child safety culture is embedded within the School
- § Provide staff with a point of contact for discussion if they develop a belief that a mandatory report is required to be made
- § In conjunction with the Epping Primary Wellbeing Team, instigate strategies to make people (adults and children) feel safe and comfortable in reporting suspected abuse

§ In conjunction with the Epping Primary Staff, publicise and make accessible for families and children, avenues for reporting incidents or concerns (i.e.: welcome pack, website)

§ Ensure that the procedures for responding to alleged abuse are fair and focus on child safety (recommend to the Principal the suspension of the alleged perpetrator and/or the provision of alternative duties pending investigation)

§ Ensure that there are clear procedures to allow people to report child safety concerns within the School

§ Ensure that there are clear procedures to allow people to report reportable conduct matters within the School

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Ensure that all staff and Direct Contact Volunteers undertake child safety training so that they are able to identify signs of abuse, understand how to respond and when to make a referral either internally or to an external agency

- Are given direct access to the School Council President in the event that an allegation of abuse has been made against the Principal
- Provide support and comfort to a child reporting abuse or safety concerns, and never blame or interrogate a child
- Contact parents/guardians as appropriate
- Ensure processes for responding to suspected child abuse explicitly include culturally appropriate responses where suspected abuse involves an Aboriginal or Torres Strait Islander child
- Use effective and school sanctioned communication channels when making the required contact
- Provide ongoing expertise to make referrals in support of alleged victims, their families and affected staff, such as helping them understand their rights and the process that will be followed in responding to allegations, and assistance in accessing counselling or other support as required
- Provide contact details for internal and/or external expertise so that staff have access to advice when managing child safety incidents, including expertise relating to culturally and/or linguistically diverse children, and children with a disability
- In conjunction with the School Council, undertake timely reviews of child safe policies and procedures to be followed if child abuse occurs
- Support the Principal in developing suitable statements or responses to staff, parents and students in the event of an incident of confirmed child abuse
- Develop, in conjunction with the Principal, relevant media statements or responses in the event of an incident of confirmed child abuse that is made known to the wider public
- In conjunction with the School Council, review organisation responses following an incident to help drive continuous improvement
- In conjunction with the HR Manager, ensure supervision requirements for staff and volunteers who work with children are enforced, maintained and regularly reviewed
- In conjunction with the Epping Primary Wellbeing Team, gather feedback from children e.g. surveys, focus groups and social media, about whether they would feel safe and taken seriously if they were to raise concerns, and implements improvements based on this feedback
- In conjunction with the School Council, include priorities and actions in operational plans that nurture and affirm the involvement of all children in the organisation's activities, and in particular Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability
- Provide culturally safe environments for Aboriginal and Torres Strait Islander children

Procedures for responding to and Reporting Allegations of Child Abuse

Child abuse can take many forms. The abuser may be a parent, guardian, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

The School will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Safety Service or the Police, depending on the allegation or disclosure made.

Epping Primary has established simple and accessible procedures for anyone to report a child abuse concern internally to a senior member of staff as outlined in this handbook.

Epping Primary has developed and implemented procedures for School Council members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/guardians and other community members are also included in our Child Safety Reporting Procedures, which are available on our public website.

Age appropriate reporting procedures for students are developed through our Student Wellbeing Program.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. These include:

- Managing Your Initial Response to a Child Safety Incident
- Responding to an Emergency
- Reporting a Child Abuse Concern Internally
- General Legal Obligation to 'Act to Protect' and to Report Child Sexual Abuse
- Mandatory Reporting
- Reportable Conduct of staff, volunteers and others
- Responding to other concerns about the wellbeing of a child
- Conduct that is Reportable to the Victorian Institute of Teachers (VIT)
- Communication with Parents and Guardians
- Support for students interviewed at School

Child Safety Complaints Management Record Keeping

Confidentiality and Privacy

All of the School's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the School community.

A summary of these procedures are made publicly available on the School's website and are accessible to all children, school staff and the wider community.

The School will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully co-operating with any resulting investigation
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability
- securing and retaining records of the allegation and the School's response to it

Documenting Your Observations and Actions

It is critical that all teaching staff, non-teaching staff, Council members, Volunteers (direct and indirect), Third Party Contractors and External Education Providers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child safety incidents.

For more information about how to record observations, disclosures or allegations refer to the Child Safety Record Keeping section of this Program Handbook.

Preserving Evidence

When an incident of suspected child abuse occurs at the School, consider all of the following:

- environment: do not clean up the area and preserve the sites where the alleged incident occurred
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag
- other physical items: ensure that items such as weapons, bedding and condoms are untouched
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident

Managing Your Initial Response to a Child Safety Incident

Responding to an Emergency

All teaching staff, non-teaching staff, Council members, Volunteers, Third Party Contractors and External Education Providers must act as soon as they witness a child safety incident or form a reasonable belief that a child has been or is at risk of being abused.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid (if qualified to do so)
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns
- briefing a Child Safety Officer to be the future liaison with the Police on the matter.

The following sections outline the six ways that you may become aware that a child may be experiencing abuse and strategies for managing each situation, and supporting and assisting children involved in the disclosure or report.

Witnessing an Incident

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved.

Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the Responding to an Emergency section above.

If the child is in immediate danger call the police immediately on 000.

The School's Procedures for Responding to and Reporting Allegations of Child Abuse should be followed after the health and safety of the child involved is ensured.

Observation of Risk Indicators

The different types of child abuse and their key risk indicators are set out in detail in the earlier section of this program Child Abuse – Definition and Key Risk Indicators, as set out on page 9.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you should make written notes of your observations recording both dates and times. You should also report the matter internally to a School Child Safety Officer.

Private Disclosure by a Child

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock. You should reassure and support the child.

You can do this by:

- stating clearly that the abuse is not the child's fault
- reassuring the child that you believe them
- telling the child that disclosing the matter is the right thing to do

Demonstrate patience, allowing the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a School Child Safety Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's Support Following Disclosure process.

Public Disclosure by a Child

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children. In this circumstance, you should use a strategy of 'protective interrupting'.

The aim of 'protective interrupting' is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately
- moving the child away from the other students to a quiet space
- following the guidelines with respect to managing a private disclosure

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's Support Following Disclosure process.

Third Party Disclosure

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation you should:

- § listen to the person's concerns seeking clarification where required
- § thank the person for raising their concern
- § advise the person that we have procedures for dealing with situations like this
- § advise the person that you will discuss their concerns with the relevant authorities

As with Private Disclosure you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a School Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Disclosure by a Former Student

A former student of the School may come forward to a current staff member, or volunteer, and disclose past abuse from their time at the School. If you receive a disclosure from a former student about historical abuse, you must act.

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the Procedures for Responding to and Reporting Allegations of Child Abuse in this Program Handbook, specifically the obligations you may have under the following policies:

- the Obligation to Act to Protect
- the Obligation to Report Child Sexual Abuse
- Mandatory Reporting
- Conduct That is Reportable to the Victorian Institute of Teaching

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the School this may trigger obligations under the Obligation to Act to Protect policy to remove the risk of abuse to other students.

Support Following Disclosure

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

§ the degree of severity of the situation

§ the risk of harm to the child

§ the capability and willingness of the parent to protect the child from harm

After a disclosure is made:

§ do not promise the child that you will not tell anyone about the allegation

§ reassure the child that it was the right thing to do to tell an adult

§ tell the child what you plan to do next

§ do not confront the person believed to be the perpetrator

§ report the matter to the School's Child Safety Officer who will be able to assist you in developing additional support strategies

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

[Support for Staff and Volunteers](#)

Witnessing a child safety incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The School provides support to impacted staff and Volunteers to access necessary support through our Child Safety Officer.

[Reporting a Child Abuse Concern Internally](#)

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with the School's Child Safety Officer. The School's Child Safety Officer will be able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safety Officer are set out on page 41.

Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely:

- § The Obligation to Report a Sexual Offence
- § The Obligation to Act to Protect
- § The Obligation to Make a Mandatory Report
- The Obligation to Notify Reportable Conduct

In addition, these reporting obligations apply even if the Principal, a Council member or a Child Safety Officer advises you not to proceed with reporting suspected abuse.

General Legal Obligation to ‘Act to Protect’ and to Report Child Abuse

In Victoria there are specific criminal offences which impose general obligations on persons:

- § aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act (Vic) s327)
- § in authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act (Vic) s49C)

The Obligation to Report a Sexual Offence

Source of Obligation

Under the Crimes Act 1958 (Vic) (s 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Health and Human Services (DHHS) in accordance with mandatory reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, direct contact and Indirect Contact Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

What Must Be Reported?

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

What is a Sexual Offence?

The Crimes Act sets out what constitutes a 'sexual offence'. This includes:

- § rape

- § indecent assault

- § incest

- § sexual penetration

- § grooming a child for sexual conduct

A 'sexual offence' includes an attempted sexual offence.

What is a 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' 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 the child states that the child has been sexually abused

- § signs of sexual abuse leads to a belief that the child has been sexually abused

Exceptions - Failure to Disclose

If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting is that:

- § you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable
- § the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when he or she told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this)
- § you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the DHHS as part of mandatory reporting) and you have no further information

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- § the person involved in the sexual offence
- § any organisation (such as the School)

A report made under the Children, Youth and Families Act 2005 (Vic) mandatory reporting obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

International Students

The School must notify the VRQA if the alleged sexual offence relates to an international student and the School has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

The Obligation to Act to Protect

Source of Obligation

Where a person in a position of authority at the School becomes aware that a staff member, direct contact or indirect contact volunteer, contractor, or other person associated with the School poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in School activities.

In addition, under section 49C of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- a. by reason of the position they occupy at the School, has the power or responsibility to reduce or remove a substantial risk that a relevant child (under the age of 16) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the School, and
- b. knows that there is a substantial risk that the person will commit a sexual offence against a relevant child must not negligently fail to reduce or remove that risk.

Who is Responsible for Acting to Protect the Student/s?

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context, usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

§ School Council members

§ the Principal

§ members of the School Executive

§ Staff

§ volunteers where they are in a position of supervision

When Should Action Be Taken?

A person in a position of authority at Epping Primary is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the School.

Knowledge is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a School Child Safe officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

What is a Substantial Risk?

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- § the likelihood or probability that a child will become the victim of a sexual offence
- § the nature of the relationship between a child and the adult who may pose a risk to the child
- § the background of the adult who may pose a risk to the child, including any past or alleged misconduct
- § any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
- § any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child

What is a Sexual Offence?

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- § rape
- § indecent assault
- § incest
- § sexual penetration

§ grooming a child for sexual conduct

§ an attempted sexual offence or an assault with intent to commit a sexual offence

Who is 'a Person Associated with the School'?

A person associated with the School is an adult and can be a:

§ School Council member

§ Principal

§ teacher

§ employee

§ volunteer (including parents)

§ contractor

A person will not be considered to be associated with the School purely because they receive services from the School.

Procedure to Reduce or Remove a Substantial Risk

Where any staff member, volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

§ take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students

§ report the matter to a School Child Safety Officer, and the Principal, as soon as practicable

Appropriate action to be taken may include, for example:

§ a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated

§ a parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper

Whenever there are concerns that a child is in immediate danger call the Police on 000.

This policy applies to all teaching staff, non-teaching staff, School Council members, Direct and Indirect Contact Volunteers, Third Party Contractors and External Education Providers (together, known as 'staff' for the purposes of this policy only).

Epping Primary staff hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practicing of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against staff.

Epping Primary School is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse is minimised and a safe and supportive child safe environment is maintained.

It is our policy that:

§ staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times

§ staff identify, discourage and reject any advances of a sexual nature initiated by a student

§ staff interaction with students is professional at all times, including inside and outside of school hours

§ conflict of interest issues must be reported to the Principal as soon as practicable

§ equal learning opportunities are given to each student without discrimination

§ appropriate consequences will be applied to staff who breach professional boundaries

What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that School staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear; however, sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive and it is expected that all staff (no matter their age or experience) use their own good judgment, think very carefully of the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

§ Would I modify my behaviour if a colleague was present?

§ How would I feel about explaining my actions at a staff meeting?

§ Am I sharing information for the student's benefit, or for my benefit?

§ Am I dealing with this student differently from others in similar circumstances?

§ Is my language or demeanour different from normal when dealing with this particular student?

Intimate Relationships

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/guardians.

Such relationships have a negative impact on the teaching and learning of students and colleagues, and may carry a serious reputational risk for the staff member and, in turn, the School.

The professional relationship of staff and students may be breached by:

§ flirtatious behaviour or dating

§ development of an intimate personal relationship

§ sexual relations

§ the use of sexual innuendo, inappropriate language and/or material with students

§ unwarranted and inappropriate touching

§ unwarranted and inappropriate filming or photography

§ deliberate exposure to sexual behaviour of others (e.g. pornography)

§ having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)

§ going out, whether alone or in company, to social events such as the movies or dinner

§ exchanging gifts of a personal nature that encourages the formation of an intimate relationship

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so.

The imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/student relationship existed.

Personal relationships

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or guardians. It is the student's perception of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between staff and students may be compromised by staff:

§ attending parties or socialising with students outside of organised School events (without parental/guardian permission)

§ sharing personal details about their private lives with students

§ meeting with students outside of school hours without permission from the School

Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

Fair Learning Opportunities

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual

circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- § maintaining a safe and challenging learning environment that promotes mutual respect
 - § recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- § encouraging students to develop and reflect on their own values
- § interacting with students without bias
- § not engaging in preferential treatment
 - § not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- § always making decisions in the students' best interests

Electronic Communications between Staff and Students

It is expected that all staff at the School will adhere to the following guidelines:

- § all use of technology should be for educational purposes or for the organisation of co-curricular activities
- § all email communication between staff and students should be via the school email system and reflect a professional staff/student relationship
- § staff should not communicate with students via text message where it is not in a professional context and does not originate from a Epping Primary owned number i.e. Staff are not to communicate with students using their personal mobile phones
- § staff should not give out their personal telephone numbers or social media contact details
 - § staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the School
- § staff should not exchange personal pictures with a student
 - § any student personal contact numbers or other personal contact details made available to the School should only be used for School communications

Physical Contact with Students

All staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all staff at the School should adhere to the following guidelines for contact with students both in and outside of School grounds:

§ staff should avoid unnecessary physical contact with students (This should be reflective of the Student's developmental needs (e.g. if the situation warrants it staff are not precluded from hugging a three-year-old child in distress)

§ minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)

§ contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made

Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

§ checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space

§ always knock and advise of presence prior to entering a bedroom or dormitory

§ ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken

Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the President of the School Council if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the School (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

Disclosure of Staff/Student Interactions

It is Epping Primary's policy that all staff are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

§ related to the student

§ friends with the student's parents or family

§ given parental consent to interact with the student for academic purposes outside of school hours and has notified the School

Epping Primary maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School premises. These records are kept indefinitely.

Staff Responsibilities

All staff are to:

§ follow the guidelines as set out in this policy

§ immediately report any conflicts of interest

§ remove themselves from decision making where a conflict has been identified

Where a staff member breaches this policy Epping Primary may take disciplinary action, including in the case of serious breaches, summary dismissal or termination of any contractual relationships with Third Party Contractors.

IMPLEMENTATION

These guidelines are implemented through a combination of:

§ staff training and development in professional conduct

§ student and parent/guardian education and information

§ effective management of teachers engaging in inappropriate relationships with students

§ effective management of conflicts of interest

§ effective communication and incident notification procedures

§ effective record keeping procedures

§ initiation of corrective actions where necessary

Related Policies and Procedures

§ [Duty of Care](#)

§ [Statement of Commitment to Safety](#)

§ [Code of Conduct](#)

§ [School values and philosophy](#)

§ [Student Wellbeing and Engagement policy](#)

Review Cycle

This policy was updated on 21st December 2018 and is scheduled for review in December 2020.

Epping Primary Child Safe Process for Making a Report

Epping Primary has appointed the person listed below to answer any questions that you may have with respect to our Child Safety Policy and the Child Safety and Reporting Program.

The School's Child Safety Officer is your first point of contact for reporting child safety issues within the School. They receive special training that allows them to deal with child safety concerns both sensitively and effectively.

If you have any concern that a child may be experiencing any form of abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of our Child Safety Officer.

The welfare and best interests of the child are paramount. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Epping Primary's Child Safety Officer

Name: Jan Hare

Phone: 94011389

Role Description

The Epping Primary Child Safety Officer:

§ Act as the person that staff, parents/guardians and children contact to discuss a suspected abuse or child safety concern

§ Ensure that accurate recording of all relevant information and actions are taken

§ Store all records and information in line with the School's Privacy Policy

§ Assess how and when to report to the School Executive and authorities

§ Act as "Child Safety Champion" and ensure a strong and sustainable child safety culture is embedded within the School

§ Provide staff with a point of contact for discussion if they develop a belief that a mandatory report is required to be made

§ In conjunction with the Epping Primary Wellbeing Team, instigate strategies to make people (adults and children) feel safe and comfortable in reporting suspected abuse

§ In conjunction with the Epping Primary Staff, publicise and make accessible for families and children, avenues for reporting incidents or concerns (i.e.: welcome pack, website)

§ Ensure that the procedures for responding to alleged abuse are fair and focus on child safety (recommend to the Principal the suspension of the alleged perpetrator and/or the provision of alternative duties pending investigation)

§ Ensure that there are clear procedures to allow people to report child safety concerns within the School

§ Ensure that there are clear procedures to allow people to report reportable conduct matters within the School

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Ensure that all staff and Direct Contact Volunteers undertake child safety training so that they are able to identify signs of abuse, understand how to respond and when to make a referral either internally or to an external agency

§ Are given direct access to the School Council President in the event that an allegation of abuse has been made against the Principal

§ Provide support and comfort to a child reporting abuse or safety concerns, and never blame or interrogate a child

§ Contact parents/guardians as appropriate

§ Ensure processes for responding to suspected child abuse explicitly include culturally appropriate responses where suspected abuse involves an Aboriginal or Torres Strait Islander child

§ Use effective and school sanctioned communication channels when making the required contact

§ Provide ongoing expertise to make referrals in support of alleged victims, their families and affected staff, such as helping them understand their rights and the process that will be followed in responding to allegations, and assistance in accessing counselling or other support as required

§ Provide contact details for internal and/or external expertise so that staff have access to advice when managing child safety incidents, including expertise relating to culturally and/or linguistically diverse children, and children with a disability

§ In conjunction with the School Council, undertake timely reviews of child safe policies and procedures to be followed if child abuse occurs

§ Support the Principal in developing suitable statements or responses to staff, parents and students in the event of an incident of confirmed child abuse

§ Develop, in conjunction with the Principal, relevant media statements or responses in the event of an incident of confirmed child abuse that is made known to the wider public

§ In conjunction with the School Council, review organisation responses following an incident to help drive continuous improvement

§ In conjunction with the HR Manager, ensure supervision requirements for staff and volunteers who work with children are enforced, maintained and regularly reviewed

§ In conjunction with the Epping Primary Wellbeing Team, gather feedback from children e.g. surveys, focus groups and social media, about whether they would feel safe and

taken seriously if they were to raise concerns, and implements improvements based on this feedback

- § In conjunction with the School Council, include priorities and actions in operational plans that nurture and affirm the involvement of all children in the organisation's activities, and in particular Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability
- § Provide culturally safe environments for Aboriginal and Torres Strait Islander children

Review Cycle

This policy was last updated on August 2019 and is scheduled for review in 2021.