

Child Safety Policy

Context

As a Catholic school and a Ministry of Mercy Education Limited, Sacred Heart College Kyneton has a mission-driven responsibility to respect the dignity of each member of the College community and to understand and respond to others in times of need. Our Mission, Vision and Mercy Values attest to our commitment to nurturing a school environment where students are respected, their voices are heard and they feel safe. This policy gives expression to these commitments and to the College's steadfast resolve to provide a safe and secure environment for students.

Governance

Child safety and wellbeing are fundamental to Mercy Education's mission and operation and therefore Sacred Heart College promotes safe, inclusive, and welcoming learning environments. The Mercy Education Board of Directors facilitates and oversees the implementation of child safety and wellbeing policies, codes of conduct, reporting and recordkeeping procedures across all Mercy schools.

These principles and responsibilities are detailed in the Mercy Education Child Safety Policy (6.09) and the Operational Instructions Child Safety Reporting to Mercy Education (6.09).

Purpose and Scope

This policy outlines Sacred Heart College Kyneton policy commitments and procedures for keeping students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations where College activities occur.

This policy takes into account relevant legislative requirements within the state of Victoria (see page 6), including the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 1359 -

<https://www.vrqa.vic.gov.au/Documents/MinOrder1359childsafepdf>

This policy applies to school staff, including school employees, volunteers, contractors, clergy, and College Council members.

Principles

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our College works in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on student safety and protection.
- This policy takes into account the diversity of all children, and applies to Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers.

- All adults in our College, including teaching and non-teaching staff, clergy, volunteers, contractors and College Council members, have a responsibility to care for students, to positively promote their wellbeing and to protect them from any kind of harm or abuse.

Sacred Heart College Kyneton's policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and young people. They also demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police and human services agencies.

- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity, and respect.
- Staff, clergy, volunteers, contractors, College Board members, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the Child Safe Officers, College Leadership, or a member thereof. Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

Definitions

Child

A child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child.

Child abuse

This includes:

- (a) any act committed against a child involving:
 - i. a sexual offence
 - ii. an offence under section 49B (2) of the **Crimes Act 1958** (grooming)
- (b) the infliction, on a child, of:
 - i. physical violence
 - ii. serious emotional or psychological harm
- (c) serious neglect of a child.

Child neglect

The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

Child physical abuse

Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour.

Child protection

Statutory services designed to protect children who are at risk of serious harm.

Child safety

Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Child sexual abuse

Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws does not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality, or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion.

Child pornography

Child pornography is material that is captured, transmitted or stored electronically that depicts or implies a person who is 17 years or under:

- in a sexual pose or act displaying full or partial nudity

Mandatory reporting

The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists, medical practitioners, school counsellors and religious clergy.

Reasonable belief

When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

School environment

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

School staff

means an individual working in a school environment who is:

- (a) directly engaged or employed by a school governing authority.
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- (c) a minister of religion.

Student Sexual Offending

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development. Sexual behaviour can present itself along a broad continuum, with research suggesting that only a small number of children and young people develop problem sexual behaviour. Sexual activity between adolescents at a similar developmental level is not considered abuse.

Situations whereby adolescent sexual activity is considered to be abusive are:

- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim misuse of internet or mobile phones in relation to child pornography and youth produced sexual imagery or “sexting”.

Policy Commitments

Our commitment to students

- (a) We commit to the safety and wellbeing of all students enrolled at Sacred Heart College Kyneton.
- (b) We commit to providing students with positive and nurturing experiences.
- (c) We commit to listening to students and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that students are protected from abuse or harm.
- (e) We commit to teaching students the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (f) We commit to encouraging Student Voice regarding the creation of a safe school environment.

Our commitment to parents and carers

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child-safety policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of our students.
- (d) We commit to acknowledging the cultural diversity of students and families and being sensitive to how this may impact on student safety issues.
- (e) We commit to continuously reviewing and improving our systems to protect students from abuse.

Our commitment to school staff

(inclusive of school employees, volunteers, contractors, clergy, and College Advisory Council members)

- (a) We commit to providing staff with regular opportunities to clarify and confirm policy and procedures in relation to safety and wellbeing. This will include annual training in the principles and intent of this policy and our Child Safety Code of Conduct, along with staff responsibilities to report concerns.
- (b) We commit to listening to all concerns voiced by staff about keeping students safe from harm.
- (c) We commit to providing opportunities for staff to receive formal debriefing and counselling arising from incidents of the abuse of a student.

Responsibilities

Everyone employed or volunteering at Sacred Heart College Kyneton has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students are at the forefront of all they do and every decision they make.

The College Leadership Team will:

- create an environment for students to be safe and to feel safe.
- uphold high principles and standards for all staff, clergy, volunteers, contractors and College Advisory Council members
- promote models of behaviour between adults and students based on mutual respect and consideration
- ensure thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensure that school personnel have regular and appropriate learning to develop their knowledge of, openness to, and ability to address child safety matters
- provide regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to student protection and wellbeing
- ensure the College meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 1359.

<https://www.vrqa.vic.gov.au/Documents/MinOrder1359childsafepdf>

Staff (employees, volunteers, contractors, clergy and Board members) will:

- treat students with dignity and respect, acting with propriety, providing a duty of care and protecting students in their care
- follow the legislative and internal College processes in the course of their work, if they form a reasonable belief that a student has been or is being abused or neglected
- provide a physically and psychologically safe environment where the wellbeing of students is nurtured
- undertake regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of students
- assist students to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- follow the school's Child Safety Code of Conduct.

Organisational Arrangements

Child Safety Code of Conduct

All staff are familiar with and are regularly reminded of the important role they play in the protection of students. They are expected to uphold the *Sacred Heart College Kyneton Code of Conduct for Staff and Volunteers*.

Student safety and participation

At Sacred Heart College Kyneton, we actively encourage all students to express their views and feel comfortable about giving voice to the things that are important to them. We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns from students, or the concerns that parents or carers, raise with us.

Reporting and responding

Sacred Heart College Kyneton's *Child Protection Reporting Obligations Policy* sets out the actions required under the relevant legislation when there is a reasonable belief that a student is in need of protection, or a criminal offence has been committed, and it provides guidance and procedures on how to make a report. The College also has established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

Parent Code of Conduct

Parents and Carers commit to and are expected to uphold the responsibilities detailed in the Sacred Heart College Parent Code of Conduct. Committing to this Code is a pre-condition for students' enrolment.

Our complaints and disclosure processes are also outlined in the other College policies:

- *Sacred Heart College Kyneton Complaints Resolutions Policy*
- *Sacred Heart College Kyneton Privacy Policy.*

School staff selection, supervision and management practices for a child-safe environment

Sacred Heart College Kyneton as a Child Safe school, adheres to Child Safe requirements when employing staff. All staff employed by the College must have an understanding of their duties and responsibilities as regards child safety. In accordance with Child Safe legislation, all essential or relevant qualifications, experience and attributes necessary for each job role must be clearly articulated.

All applicants for jobs at Sacred Heart College Kyneton must be informed about the school's child safety practices as well as the Code of Conduct

When employing new staff, the College must make reasonable attempts to gather, verify and record the relevant child safe information pertinent to the applicant before a final employment decision is made. This information includes:

- Victorian Institute of Teaching registration
- Working with Children Check (WWCC) status.
- Proof of personal identity and any professional or other qualifications
- The person's history of work involving children.
- References that address the person's suitability for the job and working with children

Sacred Heart College Kyneton ensures that appropriate supervision or support arrangements are in place in relation to:

- The induction of new staff into the College's policies, codes, practices and procedures governing child safety and child connected work;
- Monitoring and assessing of all employees continuing suitability for child connected work

Sacred Heart College Kyneton ensures that people engaged or contracted for specific short-term reasons, (for example tradesmen, guest speakers, service scheme participants, canteen and other helpers) have appropriate WWCC and are adequately supervised while on College grounds.

Child Safe Committee (CSC)

At Sacred Heart College Kyneton, a Child Safe Committee has been formed to ensure the implementation and regular monitoring of policies and processes relating to the seven Child Safe standards outlined in Ministerial Order 1359 occurs.

<https://www.vrqa.vic.gov.au/Documents/MinOrder1359childsafepdf>

This committee meets monthly, or more frequently if required.

Terms of Reference

- Determine Policy Development, oversight, and review.
- Review all College procedures in relation to Child Safe
- Organisation of appropriate staff education
- Document, implement, monitor and periodically review our risk management strategies for student safety and ensure that the strategies change as needed and as new risks arise.

- Develop processes for induction in Child Safe requirements of volunteers, contractors, visiting speaker's clergy and other non-school related individuals who wish to enter the school grounds.
- Provide regular updates on environmental upgrades in relation to Child Safe
- Ascertain and determine most effective methods for disseminating Child Safe information to the College Community
- Decisions on timely and relevant resource provision including - Professional development, allocation of time for meetings, administration assistance

As part of this Committee, two Child Safety Officers have been appointed as optional nominated points of contact for students, staff and parents/carers should Child Safe concerns arise.

Child Safety Officers

The Child Safety Officers are:

- Deputy Principal-Student Wellbeing
- Nominated member of the Wellbeing Team (Student Counsellor)

The role of the Child Safety Officer is to:

- provide advice to the Principal regarding specific issues and cases
- provide students with advice and support for their safety.
- support staff who feel that a child abuse report is necessary
- be the optional nominated person of contact within the school community for Child Safe matters

Child safety – education and training for staff

At Sacred Heart College Kyneton, we provide staff with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, in-house presentations, ongoing on-line training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of abuse and neglect. Training also includes an annual online training session, via Mercy Education Ltd, about child safety legislation and staff members' reporting obligations.

Relevant Legislation

- *Children, Youth and Families Act 2005* (Vic.)
- *Working with Children Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Crimes Act 1958* (Vic.)

NOTE: In 2014, three new criminal offences were introduced under the *Crimes Act 1958*:

- a) **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

- b) **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- c) **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Breach of Policy

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this policy, Sacred Heart College Kyneton may start the process under clause 13 of the *Victorian Catholic Education Multi Enterprise Agreement 2018* (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact Mercy Education Ltd. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics, and Investigation).

Where any **other member of the College community** is suspected of breaching any obligation, duty or responsibility within this policy, the College will take appropriate action in accordance with the College policies listed below and/or via contact with Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

Review of this Child Safety Policy

At Sacred Heart College Kyneton, we are committed to continuous improvement of our student safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed (at least annually) to ensure it is effective. It will be updated to accommodate changes in legislation or circumstance and we will maintain a history of updates to the policy.

Related Policies

Sacred Heart College Kyneton College Policies

- Child Safety Policy
- Child Protection Reporting Obligations
- Sacred Heart College Kyneton Code of Conduct for Staff and Volunteers
- Sacred Heart College Parent Code of Conduct
- Privacy Policy
- Student Acceptable Use of Digital Technologies Policy
- Respectful Relationships - Anti Bullying Policy
- Student Behaviour and Support Policy
- Student Wellbeing Policy
- Excursions, Incursions, Camps, Retreats and Educational Tours Policy
- Staff Acceptable Use of Digital Technologies Policy
- Staff Responsible Use of Social Media Policy

Mercy Education Policies

- Child Safety Policy (6.09)
- Operational Instructions – Child Safety Reporting to Mercy Education (6.09)

Melbourne Archdiocese Catholic Schools Policies

- Policy 2.2: Guidelines Relating to the Employment of Staff (currently under review)
- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols

Revised	March 2023
Approval Authority	Principal
Person Responsible	Deputy Principal – Student Wellbeing
Review Date:	May 2023
Update to Ministerial Order to 1359	https://www.vrga.vic.gov.au/Documents/MinOrder1359childsafepdf