

Child Safety Policy

February 2022



Context

As a Catholic school and a Ministry of Mercy Education Ltd, Our Lady of Mercy College (OLMC) has a mission-driven, moral and legal responsibility to build and nurture child-safe school environments and to take every precaution to protect all children and young people from all forms of harm and abuse.

At OLMC, we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school. Our commitment is drawn from and inherent to the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel (CECV Commitment Statement to Child Safety).

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: this is why the promotion of the human person is the goal of the Catholic school (The Catholic School on the Threshold of the Third Millennium, n. 9).

Our Mission, Vision and Values statement attests 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.

Purpose and Scope

This policy supports OLMC's commitment to a strong and sustainable child safety culture. It outlines OLMC's policy commitments, structures, systems 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, including the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.

This policy applies to school staff, including school employees, volunteers, contractors, clergy and College Council members. It should be read in conjunction with the following related College policies and procedures:

- Safeguarding Children and Young People Code of Conduct
- Mercy Education Ltd & OLMC Code of Conduct for Staff and Volunteers
- Child Safety: Student Rights and Responsibilities Policy
- Child Protection Reporting Obligations Policy.

Principles

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard, and they are safe and feel safe (CECV Commitment Statement to Child Safety).

- All children and young people, regardless of their gender, race, religious beliefs, disability, sexual orientation or social background, have the right to personal safety, including safety in relationships and protection from all forms of abuse and neglect.
- OLMC is committed to nurturing a culturally safe and inclusive community which celebrates diversity and difference and which protects the right of each student to feel safe and be safe at school.
- OLMC is committed to working in partnership with families and community agencies to reduce or remove risks to the personal safety and wellbeing of students.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents.
- 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.
- OLMC'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 Council members, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the College Leadership Team, 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 for pastoral reasons or legal requirements (including under legislated information sharing schemes such as the Child Information Sharing Scheme (CISS), the Family Violence Information Sharing Scheme (FVISS)).

Definitions

Child – a child or a young person who is under the age of 18.

Young person – a person who is 12-18 years of age

Child abuse – includes any act committed against a child involving a sexual offence

- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect.

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 ([Ministerial Order No. 870](#)).

Child neglect – includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Child physical abuse – generally consists of any non-accidental infliction of physical violence on a child by any person ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Child sexual abuse – when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Emotional child abuse – occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Family violence – defined under the *Family Violence Protection Act 2008* (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act 2005* (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Student sexual offending – refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

Grooming – when a person engages in predatory conduct to prepare a child for sexual activity at a later date. It can include communication and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Mandatory reporting – the legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical and sexual abuse. The Principal, registered teachers and early childhood teachers, school counsellors, religious clergy, medical practitioners and nurses at a school are mandatory reporters under this Act ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Reasonable belief (mandatory reporting) – when school 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 ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

Reasonable belief (reportable conduct scheme) – when a person has a reasonable belief that an employee/volunteer has committed misconduct that may involve reportable conduct. A reasonable belief is more than suspicion and there must be some objective basis for the belief. It does not necessitate proof or require certainty.

NOTE: the difference between the reasonable belief definitions under mandatory reporting and the reportable conduct scheme is the category of persons who are required to, or can, form the reasonable belief which forms the basis for a report.

Reportable conduct – refers to employee conduct or misconduct that may involve reportable conduct. There are five types of reportable listed in the *Child Wellbeing and Safety Act 2005* (Vic.) (as amended by the *Children Legislation Amendment (Reportable Conduct) Act 2017*). These include:

1. sexual offences (against, with or in the presence of a child)
2. sexual misconduct (against, with or in the presence of a child)
3. physical violence (against, with or in the presence of a child)
4. behaviour that is likely to cause significant emotional or psychological harm
5. significant neglect.

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

- a campus of the school
- online school environments (including email and intranet systems)
- 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) (Ministerial Order No. 870).

School staff – means an individual working in a school environment who is:

- directly engaged or employed by a school governing authority
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- a minister of religion (Ministerial Order No. 870).

Parents – in the context of this policy, the term is inclusive of a student’s guardian(s) and/or carer(s).

Policy Commitments

All students enrolled at OLMC have the right to feel safe and be safe. The wellbeing of children/young people in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children/young people are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children/young, including Aboriginal and Torres Strait Islander children/young people, children/young people from culturally and/or linguistically diverse backgrounds, and children/young people with a disability.

Our commitment to students

- (a) We commit to the safety and wellbeing of all students enrolled at OLMC.
- (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 seeking input and feedback from students regarding the creation of a safe school environment.

Our commitment to parents

- (a) We commit to communicating honestly and openly with parents 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 practices, policies and procedures.
- (c) We commit to transparency in our decision-making with parents 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 Council members)

- (a) We commit to providing all staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- (b) 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.
- (c) We commit to listening to all concerns voiced by staff about keeping students safe from harm.
- (d) We commit to providing opportunities for staff to receive formal debriefing and counselling arising from incidents of the abuse of a student.

Our Responsibilities

Everyone employed or volunteering at OLMC has a responsibility to understand the important and specific role they play, 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.

College Leadership

The Principal, the College Council and school leaders recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Their responsibilities include:

- creating an environment for children/young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, volunteers and contractors
- promoting models of behaviour between adults and children/young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to children/young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#)
- ensuring the school takes specific action to protect children/young people from abuse in line with the three new criminal offences introduced under the *Crimes Act 1958* (Vic.) and in line with [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)

- ensuring the school understands and reports all matters that may constitute reportable conduct under the Reportable Conduct Scheme and in accordance with the College's *Child Protection Reporting Obligations Policy*
- sharing information under legislated information sharing schemes (in accordance with the school's prescribed role as an Information Sharing Entity (ISE)).

School staff

(inclusive of school employees, volunteers, contractors and clergy)

Their responsibilities include:

- treating children/young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal school policies, procedures and processes in the course of their work, if they form a reasonable belief that a child/young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children/young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety, and the wellbeing of children/young people
- assisting children/young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- adhering to *OLMC'S Child Safety Code of Conduct* and the *Mercy Education Ltd & OLMC Code of Conduct for Staff and Volunteers*.

Organisational Arrangements

Key Personnel

The Principal has the overall leadership role in monitoring and responding to the policy, procedures and practices for child safety. The Head of Student Wellbeing is the Child Safety Officer.

Screening and Recruitment of Staff

The College applies thorough and rigorous screening processes in the recruitment of employees and volunteers. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the College's *Child Safety Code of Conduct* and the *Child Safety Policy*.

Each job description for staff has a clear statement that sets out the requirements, duties and responsibilities regarding child safety and the occupant's essential qualifications, experience and attributes in relation to child safety and wellbeing.

When recruiting and selecting employees, contractors and volunteers, we make all reasonable efforts to gather, verify and record the following information about any person we propose to engage:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children.

We ensure that appropriate supervision or support arrangements are in place in relation to the induction of new school staff into the College's policies, codes, practices and procedures governing child safety and child-connected work.

We have procedures and processes for monitoring and assessing the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

OLMC implements the following CECV guidelines:

- *Guidelines on the Employment of Staff in Catholic Schools*
- *Guidelines on the Engagement of Volunteers in Catholic Schools*
- *Guidelines on the Engagement of Contractors in Catholic Schools*
- *NDIS/External Providers: Guidelines for Schools.*

Student Participation

We actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

In accordance with *OLMC's Child Safety: Student Rights and Responsibilities Policy*, we teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report their concerns. We listen to and act on any concerns students raise with us.

The curriculum integrates appropriate knowledge and skills to enhance students' understanding of being safe. We educate about:

- standards of behaviour for students attending our school
- healthy and respectful relationships (including sexuality)
- resilience
- child abuse awareness and prevention.

Teaching and learning strategies that acknowledge and support student agency and voice are implemented.

Reporting and Responding

The College records any child safety complaints, disclosures or breaches of our *Child Safety Code of Conduct*, and stores the records in accordance with security and privacy requirements.

Our *Child Protection Reporting Obligations Policy* sets out the actions required under the relevant legislation when there is a reasonable belief that a student at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report. Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law, and their legal obligations relating to child abuse and grooming under criminal law
- comply with reporting obligations under mandatory reporting and the reportable conduct scheme, including obligations to report and investigate allegations of reportable conduct.

The College has also established additional internal procedures and processes to help ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

OLMC is a prescribed Information Sharing Entity (ISE), meaning that, where legislated requirements are met, we are able to share confidential information with other ISEs to promote child wellbeing or safety. This occurs via the Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS).

If any member of the College community has concerns for a student's safety, they can notify the Principal or the Child Safety Officer – Head of Student Wellbeing. If the Principal or Child Safety Officer is not available, then it should be discussed with a member of the Leadership Team. Alternatively, any member of the College community may report directly to the responsible authority.

The person with such concerns, supported by the Principal or Child Safety Officer, will follow the step-by-step guide to making a report as outlined in our *Child Protection Reporting Obligations Policy*.

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

- *OLMC Complaints Resolutions Policy*
- *Mercy Education Ltd & OLMC Privacy Policy*.

Staff Education and Training

The College provides employees, volunteers and clergy with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

At least annually, our professional learning and training addresses:

- staff's individual and collective obligations and responsibilities for managing the risk of child abuse
- child abuse risks in the school environment
- the reportable conduct scheme
- the College's current child safety standards.

Training also includes an annual online training session, via Mercy Education Ltd, about child safety legislation and staff members' reporting obligations.

Risk Management

The College recognises the importance of maintaining an appropriate risk management culture and of applying logical and systematic risk management processes to all College activities, functions and operations, inclusive of child safety.

We comply with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.), the *Child Wellbeing and Safety Act 2005* (Vic.) and *Ministerial Order No. 870*.

A consultative approach is used to ensure that all possible child safety risks are clearly identified and effectively managed. The College Leadership Team is responsible for ensuring that an effective communication and consultation process occurs and that:

- risk management systems and procedures are consistently monitored and reviewed;
- changes are made as new risks arise and/or in response to effectiveness ratings;
- staff contribute to risk management discussions, assessments and action plans.

Breach of Policy

Where a member of staff is suspected of breaching this policy, the Principal may start the process for managing employment concerns under clause 13 of the *Victorian Catholic Education Multi-Enterprise Agreement 2018* (VCEMEA 2018). A referral of the breach may be required to Victoria Police, DFFH Child Protection and/or the Commission for Children/Young People (CCYP).

These referrals may result in disciplinary consequences.

Where the Principal is suspected of breaching this policy, the concerned party is advised to contact the Executive Director of Mercy Education Limited.

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.

Policy Review

At OLMC, we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed 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.

Relevant Legislation

- *Privacy Act 1988* (Cth)
- *Children, Youth and Families Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.) and the *Education and Training Reform Regulations 2017* (Vic.)
- *Child Wellbeing and Safety Act 2005* (Vic.)
- *Family Violence Protection Act 2008* (Vic.)
- *Wrongs Act 1958* (Vic.)
- *Crimes Act 1958* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Worker Screening Act 2020* (Vic.)

Ministerial Order No. 870: *Child Safe Standards – Managing the Risk of Child Abuse in Schools* was made under the *Education and Training Reform Act 2006* (Vic.). The Order came in to effect on 1 August 2016 and specifies how every Victorian school must embed a culture of 'no tolerance' for child abuse; and comply with the prescribed seven minimum child safe standards.

Three criminal offences pertaining to child safety were introduced in 2016 under *the Crimes Act 1958*. They are:

1. **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.
2. **Failure to protect offence:** This 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.

3. 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.

Under the *Child Wellbeing and Safety Act 2005* (Vic.), the Reportable Conduct Scheme, created in 2016, requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

Also under the *Child Wellbeing and Safety Act 2005* (Vic.), a school, as a prescribed Information Sharing Entity (ISE), is able to share confidential information with other ISEs to promote child wellbeing or safety. OLMC is a prescribed ISE, meaning that, where legislated requirements are met, we are able to share confidential information with other ISEs via the Child Information Sharing Scheme (CISS) or the Family Violence Information sharing Scheme (FVISS).

Related Policies

OLMC College Policies

- Safeguarding Children and Young People Code of Conduct
- Mercy Education Ltd & OLMC Code of Conduct for Staff and Volunteers
- Mercy Education Ltd & OLMC Privacy Policy
- Child Safety: Student Rights and Responsibilities Policy
- Child Protection Reporting Obligations Policy
- Counselling Services Policy
- Complaints Resolution Policy
- Staff Responsible Use of Social Media Policy
- Student Acceptable Use of Digital Technologies, Devices and Social Media Policy
- Student Anti Bullying Policy
- Student Behaviour Management Policy
- Student Wellbeing Policy
- Visitors on Campus Policy

Other Policies and Resources

Melbourne Archdiocese Catholic Schools Ltd (MACS) Policies

- Policy 2.19 Child Protection – Reporting Obligations
- Policy 2.20 Complaints
- Policy 2.26 Pastoral Care of Students

Catholic Education Commission of Victoria Ltd (CECV) Resources

- CECV Statement of Commitment to Child Safety
- CECV Guidelines on the Employment of Staff in Catholic Schools
- CECV Guidelines on the Engagement of Volunteers in Catholic Schools
- CECV Guidelines on the Engagement of Contractors in Catholic Schools
- CECV NDIS/External Providers: Guidelines for Schools
- CECV Positive Behaviour Guidelines

Victorian Government

- Department of Education 2018, *PROTECT: Identifying and responding to all forms of abuse in Victorian schools*.
- State of Victoria 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870*, Education & Training Reform Act 2006.

Revised: August 2019, February 2022

Approval Authority: College Leadership Team

Person Responsible: Head of Student Wellbeing

Next Review Date: February 2024