Emmanuel College, sharing the mission of the Church and the principles of a Marianist education, with its devotion to Mary, the Mother of Jesus, delivers Catholic secondary education, directed particularly to the young women and men from the parishes of the region, supporting all dimensions of their growth and learning, faith, intellectual, emotional, social, psychological and physical.

Child Safety Report

Contents

a) Child Safety Policy
Outlines Emmanuel College policies and procedures relating to Child Safety. Includes principles, definitions, commitments, responsibilities, procedures, expectations, student participation, reporting and responding, recruitment procedures, staff training, risk management, relevant legislation and related policies. It also includes Appendices that provide information and guidance regarding the three new criminal offences that came into effect in Victoria on 1 August 2016, as well as the relevant Ministerial Order 870 and CECV’s Commitment Statement to Child Safety.

b) Child Protection
- Reporting Obligations
A detailed explanation of reporting obligations under the various pieces of relevant legislation.

c) Child Safety Code of Conduct
Outlines the Code of Conduct that all members of the Emmanuel College Community are expected to abide by in our efforts to safeguard students from sexual, physical, psychological and emotional abuse or neglect. It concludes with an Agreement that all relevant people within the community are asked to sign.
Child Safety Report

a) Child Safety Policy

Date of policy: 01 August 2016

Review Date: November 2017
Contents of Child Safety Policy document

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Appendixes

1. CECV Commitment Statement to Child Safety
2. Ministerial Order No. 870 (Victorian Government)
3. Betrayal of Trust Fact Sheet “Failure to Report”
4. Betrayal of Trust Fact Sheet “Failure to Protect”
5. Betrayal of Trust Fact Sheet “Grooming”
1. **Introduction**

At Emmanuel College 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 in 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 included as Appendix 1)

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ’s teaching: that is why the promotion of the human person is the goal of the Catholic school (Congregation for Catholic Education 1997, n. 9).

Our values are underpinned by our commitment to bear witness to the following shared values as modelled by Jesus Christ and exemplified in the life of William Chaminade.

Justice, Respect, Responsibility, Honouring Diversity, Honesty, Compassion, Commitment & Endeavour

The essence of the College is learning and teaching, with faith education, and the safety of our young people, as a primary focus.

2. **Purpose of the Policy**

The purpose of this policy is to demonstrate the strong commitment of Emmanuel College to the care, safety and wellbeing of all students at our school. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

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 (included as Appendix 2).

This policy applies to all Emmanuel College school staff, including school employees, volunteers, contractors and clergy.

3. **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 - Appendix 1).

The following principles underpin our commitment to child safety at Emmanuel College

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our school 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 child safety and protection.
- 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 school, including teaching and non-teaching staff, clergy, volunteers, and contractors, have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The 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 children and young people.
- Policies and practices 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, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- 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.
4. Definitions used in this Policy

A Young Person: A young person enrolled as a student at the school.

Child abuse 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. (Ministerial Order No. 870 - Appendix 2)

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) (Appendix 2)

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. (Safe Schools Hub Glossary available at http://safeschoolshub.edu.au/resources-and-help/Glossary)

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. (Safe Schools Hub Glossary available at http://safeschoolshub.edu.au/resources-and-help/Glossary)

Child protection: Statutory services designed to protect children who are at risk of serious harm. (Safe Schools Hub Glossary available at http://safeschoolshub.edu.au/resources-and-help/Glossary)

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 do 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
• 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. Sexual activity between adolescents at a similar developmental level is not considered abuse. (Safe Schools Hub Glossary available at http://safeschoolshub.edu.au/resources-and-help/Glossary)
**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 and medical practitioners. ([Safe Schools Hub Glossary available at](http://safeschoolshub.edu.au/resources-and-help/Glossary)

**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** 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). ([Ministerial Order No. 870 - Appendix 2](https://example.com))

**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. ([Ministerial Order No. 870 - Appendix 2](https://example.com))

5. **Policy Commitments**

All students enrolled at Emmanuel College have the right to feel safe and be safe. The wellbeing of children 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 are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

**Our commitment to our students**

(a) We commit to the safety and wellbeing of all children and young people enrolled in our school.
(b) We commit to providing children and young people with positive and nurturing experiences.
(c) We commit to listening to children and young people 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 children and young people are protected from abuse or harm.
(e) We commit to teaching children and young people 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 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 practice, policies and procedures.
(c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
(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 children from abuse.

Our commitment to our school staff (school employees, volunteers, contractors and clergy)
(a) We commit to providing all Emmanuel College 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 regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people’s protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
(c) We commit to listening to all concerns voiced by Emmanuel College staff, clergy, volunteers, and contractors about keeping children and young people safe from harm.
(d) We commit to providing opportunities for Emmanuel College school employees, volunteers, contractors and clergy to receive formal debriefing and counselling arising from incidents of the abuse of a young person.

6. Responsibilities and Organisational Arrangements
Everyone employed or volunteering at Emmanuel College 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 is at the forefront of all they do and every decision they make. (CECV Commitment Statement to Child Safety, included as Appendix 1)

The school has allocated formal roles and responsibilities for child safety as follows:

- Canonical Administrators, Board and College Leadership Team are responsible for the overall compliance of all aspects of Ministerial Order No. 870.
- Campus Leaders, Pastoral Coordinators, House Leaders have responsibility to support the safety and wellbeing of young people
- The Campus Administration Team are responsible for ensuring all child safety/risk assessments/logistical organisation protocols are effectively implemented
- Leader of Learning, Curriculum Coordinators and Learning Leaders are responsible for ensuring that all curriculum areas have relevant and appropriate content in regard to child safety knowledge and skill development for the young person/people
- All staff have individual responsibility for adherence to and implantation of the Emmanuel College Child Safety Policy
6.1 Guide to Responsibilities of School Leadership

The principal, the School governing authority and school leaders at Emmanuel College 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. Responsibilities include:

- creating an environment for children and 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 and 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 child and 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 – see Appendix 2.

6.2 Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers, contractors and clergy) include:

- treating children and 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 processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and 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 and young people
- assisting children and 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
- following the school’s Child Safety Code of Conduct.

6.3 Organisational Arrangements

Emmanuel College’s Catholic ethos is expressed in a safe and secure environment based on values of dignity, respect, justice and forgiveness, which fosters the development of the learning and faith community. The climate of Emmanuel College is what we impart by our attitudes and behaviours, about the values and ethics we maintain - it is the visible expression of faith, demonstrated by our concern and care for each other, especially the young people entrusted to our community.

Organisational structures have as their objective the total climate of relationships within the school community. It has the individual as its focus, and reflects the support, encouragement and loving care shown and experienced in the ethos of Gospel-based communities. With its life-giving focus, it should enable all to grow, to be affirmed in their dignity and worth as persons, to appreciate themselves, and to develop skills and knowledge to understand and maintain their personal safety and well-being and to develop interpersonal relationship skills.
The college has vertical homerooms and operates a house structure to:

- Increase students’ social repertoire by broadening the range of social contract they are exposed to,
- Foster connectedness to the whole school community.
- Provide proactive measures to improve mental health, resilience, safety and well-being
- Increase students’ senses of responsibility for others in the school community.

A multi-age homeroom provides an alternative peer group enabling:

- Opportunities to mix and be exposed to other intellectual, physical, social and emotional levels.
- Help to minimize the impact of mid-adolescence, where students developmentally are more likely to have issues with regard to self-esteem, anti-social and high risk behaviours.
- Provide extra support and connectedness
- Expose students to caring and positive relationships rather than their usual tendency to congregate with some peers who may share similar negative issues.

House operation is the responsibility of House teams and classroom teachers, convened and facilitated by the House Leaders, with the support of Pastoral Coordinators. This pastoral leadership team is convened and facilitated by the Deputy Principal, Campus Leader. All levels of college operation, including the work of house teams, subject departments, and pastoral/learning leadership teams converge in the core business of the college: working with young people in teaching-learning which is always underpinned by the well-being and safety of young people. These two areas are inextricably linked.

House teams are supported by other well-being teams including:

- Student Support Team - School Counsellor/Psychologist/Youth worker
- Careers Counsellors
- Learning Support Team
- Student Services
- External Partnerships and referrals

7. Expectation of our School Staff – Child Safety Code of Conduct

At Emmanuel College we expect school employees, volunteers, contractors and clergy to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements.

We have developed a Child Safety Code of Conduct, which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees, volunteers, contractors and clergy for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects school staff through clarification of acceptable and unacceptable behaviour.
8. **Student Safety and Participation**

At Emmanuel College we actively encourage all students to openly 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 students, or their parents or carers, raise with us.

The Emmanuel College Student Handbook contains information for students to seek support both during and after school hours.

The guiding principles for all teachers is Developmental Management Approach which assumes and expects unconditional respect for members of the community and is embedded in a culture of limits/responsibilities and relationships. Staff and students understand that all poor choices are opportunities for growth and learning, and we have both personal and communal rights and responsibilities. This is the basis of all interactions.

Curriculum programmes are regularly reviewed to ensure that all aspects of the Child Safety requirements are addressed across all year levels.

9. **Reporting and Responding**


Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Emmanuel College adopts the **CEM Policy 2.19: Child Protection – Reporting Obligations**.

This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child 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
- understand how a ‘reasonable belief’ is formed
- 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 criminal child abuse and grooming under criminal law.

Emmanuel College has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student. [See Appendix 1]

In accordance with the relevant legislation, any school employee, volunteer, contractor or religious cleric employed by or affiliated with Emmanuel College who has evidence that a student has been abused MUST report the matter immediately to the relevant authority or authorities, and to the Emmanuel College Principal.
10. **Screening and Recruitment of School Staff**

Emmanuel College will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. 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 school’s Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- 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 have 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.

11. **Child Safety – Education and Training for School Staff**

Emmanuel 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.

12. **Risk Management**

At Emmanuel College we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

Child safety concerns all members of the school community. As such, the following sub-committees have responsibility for identifying and managing risks appropriately. These groups are:

- WHS
- Campus Administration Team
- Business Manager
- Facilities Manager

Leadership team will monitor overall compliance and implementation.
13. **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.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)* – Three new criminal offences have been introduced under this Act:
  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. (See Betrayal of Trust: Fact Sheet ‘Failure to disclose’ – Appendix 3)
  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. (See Betrayal of Trust: Fact Sheet ‘Failure to Protect’ – Appendix 4)
  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. (See Betrayal of Trust: Fact Sheet ‘Grooming’ – Appendix 5)

14. **Related Policies**

14.1 Catholic Education Melbourne 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*
- *Policy 2.20: Misconduct Policy* (withdrawn and currently under review)
- *Policy 2.26: Pastoral Care of Students in Catholic Schools* (currently under review)

14.2 School Policies
See School Handbook, notably the following sections
- Child Safety Code of Conduct
- Pastoral Care Policy
- Working With Children Policy
- Teacher/Student Sexual Harassment Policy
- Discrimination and Harassment Policy
- Bullying Policy

15. **Breach of Policy**
Where an *employee* is suspected of breaching any obligation, duty or responsibility within this Policy, Emmanuel College may start the process under clause 13 of the *Victorian Catholic Education Multi*
Enterprise Agreement 2013 (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 the parish priest or the employer. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

Where any other member of the school community is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with:

- Child Protection – Reporting Policy
- Complaints Handling Policy

and/or contact Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

16. Review of this Child Safety Policy
At Emmanuel College 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 working in practice and updated to accommodate changes in legislation or circumstance. We will maintain a history of updates to the policy.

History of Updates to Policy

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17. References


CECV Commitment Statement to Child Safety
A safe and nurturing culture for all children and young people in Catholic schools

The Statement is intended to provide the central focus for child safety¹ across Catholic education in Victoria, built around a unified understanding of the moral imperative and overarching commitments that underpin our drive for improvement and cultural change.

The Catholic school sets out to be a school for the human person and of human persons. ‘The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: that is why the promotion of the human person is the goal of the Catholic school’.

(Congregation for Catholic education 1997, par. 9)

The Catholic Education Commission of Victoria Ltd (CECV) holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of Catholic education. This 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.

The CECV has a universal expectation for the protection of children. It is resolutely committed to ensuring that all those engaged in Catholic education in Victoria promote the inherent dignity of children and young people and their fundamental right to be respected and nurtured in a safe school environment. This is particularly so for the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

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 where they are safe and feel safe. When allegations of abuse concerning children and young people are raised, Catholic schools will take prompt action to have these appropriately referred and investigated. While the context and reality at each Catholic school will differ, the fundamental issues of understanding effective practices in child safety and identifying and responding to child harm remain the same. All schools must strive for continual improvement that is responsive to emerging thinking, evidence and practice, so as to eliminate the possibility of abuse occurring in the first place.

Creating child-safe school environments is a dynamic process that involves active participation and responsibility by schools, families and their communities. It is marked by collaboration, vigilance and proactive approaches across policies, procedures, curriculum and practices.

Every person involved in Catholic education 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 children and young people is at the forefront of all they do and every decision they make

¹As defined by the Victorian Government Special Gazette No. 2 (2016), ‘children and young people’ in this document refers to those children and young people enrolled as students in Catholic schools in Victoria.
The CECV commits to providing a safe and nurturing culture for all children and young people in Victorian Catholic schools through:

1. **Upholding the primacy of the safety and wellbeing of children and young people.**

   At all times, the ongoing safety and wellbeing of all children and young people will be the primary focus of care and decision-making, with particular attention paid to the cultural safety of Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

   To create and maintain a safe and nurturing culture, schools will actively and continually develop and review all policies, processes and practices, informed by emerging thinking and evidence.

2. **Empowering families, children, young people and staff to have a voice and raise concerns.**

   Schools, in partnership with families, will ensure children and young people, are engaged and active participants in decision-making processes, particularly those that have an impact on their safety.

   This means that the views of staff, children, young people and families are taken seriously and their concerns are addressed in a just and timely manner. Children and young people are also provided with the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.

3. **Implementing rigorous risk-management and employment practices.**

   Schools will systematically and continually identify and assess risks to child safety and will eliminate (where possible) or reduce all potential sources of harm. Effective risk management will be embedded in school life through effective, transparent and well-understood policies, procedures and practices.

   Schools will employ highly competent and professional staff who are formed and challenged to maintain the safety of all students. The high-quality of staff appointments will be upheld through rigorous employment and staff review processes and practices.

   Catholic education will stay abreast of current legislation and will meet their legislative duties to protect the safety and wellbeing of children and young people in their care, including the Victorian Child Safe Standards (Victorian Government 2016), mandatory reporting, grooming, failure to disclose and failure to protect requirements.

References


PART 1 – PRELIMINARY

1. Objective
The objective of this Order is to specify the matters regarding which:
(a) a person or body applying for registration of a school; and
(b) registered schools;
must take action for the purposes of:
(c) embedding a culture in Victoria’s schools of ‘no tolerance’ for child abuse; and
(d) complying with the prescribed minimum standard for the registration of schools in section 4.3.1(6)(d) of the Education and Training Reform Act 2006.

2. Commencement
This Order comes into operation on 1 August 2016.

3. Authorising provisions
This Order is made under section 5.10.4 of the Education and Training Reform Act 2006, and section 13 of the Interpretation of Legislation Act 1984.

4. Definitions
(1) In this Order:
ETR Act means the Education and Training Reform Act 2006 as amended from time to time.
child means a child enrolled as a student at the school.
child-connected work means work authorised by the School governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.
child abuse includes –
(a) any act committed against a child involving –
(i) a sexual offence; or
(ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
(b) the infliction, on a child, of –
(i) physical violence; or
(ii) serious emotional or psychological harm; and
(c) serious neglect of a child.
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,
minister of religion has the same meaning as in the Working with Children Act 2005.

proprietor, in relation to a school, means the person who is ultimately responsible for the way the school is managed and conducted:

(a) in the case of a Government school, the Secretary;
(b) in the case of a non-Government school, the proprietor of the school.

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); and
(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 governing authority means:

(a) the proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
(b) the governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or
(c) the principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

Explanatory note: There is a wide variety of school governance arrangements. Depending on the way a school is constituted and operated, the governing body for a school may be the school board, the school council, or some other person or entity. The school governing authorities may share or assign responsibility for discharging the requirements imposed by this Order, in accordance with the school’s internal governance arrangements.

school staff means:

(a) in a Government school, an individual working in a school environment who is:

(i) employed under Part 2.4 of the ETR Act in the government teaching service; or
(ii) employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
(iii) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).

(b) in a non-Government school, an individual working in a school environment who is:

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

(2) The following terms have the same meaning as in the ETR Act (as amended from time to time):

(i) child abuse;
(ii) government school;
(iii) government teaching service;
(iv) non-Government school;
(v) parent;

1 For ease of reference, the text of the ETR Act definition of child abuse is included in the definitions clause of this Order.
(vi) principal;
(vii) registered school;
(viii) school; and
(ix) the Secretary.

PART 2 – MINIMUM STANDARDS FOR A CHILD SAFE ENVIRONMENT

5. Schools to meet minimum child safety standards

(1) The school must implement the following minimum child safety standards:

(a) strategies to embed an organisational culture of child safety in accordance with Clause 7;

(b) a child safety policy or a statement of commitment to child safety in accordance with Clause 8;

(c) a child safety code of conduct in accordance with Clause 9;

(d) screening, supervision, training, and other human resources practices that reduce the risk of child abuse in accordance with Clause 10;

(e) procedures for responding to and reporting suspected child abuse in accordance with Clause 11;

(f) strategies to identify and reduce or remove risks of child abuse in accordance with Clause 12; and

(g) strategies to promote child participation and empowerment in accordance with Clause 13.

6. Principle of inclusion

(1) In implementing the minimum child safety standards in accordance with this Order, school governing authorities must:

(a) take account of the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable; and

(b) make reasonable efforts to accommodate the matters referred to in Clause 6(a).

7. Strategies to embed an organisational culture of child safety

(1) The school governing authority must:

(a) develop strategies to embed a culture of child safety at the school;

(b) allocate roles and responsibilities for achieving the strategies;

(c) inform the school community about the strategies, and allocated roles and responsibilities;

(d) put the strategies into practice, and inform the school community about these practices; and

(e) periodically review the effectiveness of the strategies put into practice and, if considered appropriate, revise those strategies.

8. A child safety policy or a statement of commitment to child safety

(1) The school governing authority must ensure that the school has a child safety policy or statement of commitment to child safety that details:

(a) the values and principles that will guide the school in developing policies and procedures to create and maintain a child safe school environment; and

(b) the actions the school proposes to take to:

(i) demonstrate its commitment to child safety and monitor the school’s adherence to its child safety policy or statement of commitment;
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10. School staff selection, supervision and management practices for a child-safe environment

Subject to the requirements of the ETR Act, the school governing authority must ensure that the school implements practices for a child-safe environment in accordance with this clause.

(2) Each job or category of jobs for school staff that involves child-connected work must have a clear statement that sets out:

(a) the job’s requirements, duties and responsibilities regarding child safety; and

(b) the job occupant’s essential or relevant qualifications, experience and attributes in relation to child safety.

(3) All applicants for jobs that involve child-connected work for the school must be informed about the school’s child safety practices (including the code of conduct).

(4) In accordance with any applicable legal requirement\(^2\) or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

(a) Working with Children Check status, or similar check;

(b) proof of personal identity and any professional or other qualifications;

(c) the person’s history of work involving children; and

(d) references that address the person’s suitability for the job and working with children.

(5) The school need not comply with the requirements in Clause 10(4) if it has already made reasonable efforts to gather, verify and record the information set out in Clauses 10(4)(a) to 10(4)(d) about a particular individual within the previous 12 months.

(6) The school must ensure that appropriate supervision or support arrangements are in place in relation to:

(a) the induction of new school staff into the school’s policies, codes, practices, and procedures governing child safety and child-connected work; and

(b) monitoring and assessing a job occupant’s continuing suitability for child-connected work.

\(^2\) Please refer to the Working with Children Act 2005 which establishes a process to screen persons engaging or intending to engage in child-related work through a Working with Children Check, and also sets out exemptions from that requirement for volunteers, parents and others.
(7) The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.

Explanatory note: To be ‘satisfied’, it is not necessary that the school governing authority make each decision about the selection and supervision of school staff engaged in child-connected work. The school governing authority needs to be satisfied about the appropriateness of the school’s arrangements that would regulate or guide other people who make such decisions for or on behalf of the school about child safety matters and child-connected work.

11. Procedures for responding to and reporting allegations of suspected child abuse

(1) The school governing authority must have a clear procedure or set of procedures for responding to allegations of suspected child abuse in accordance with this clause and other legal obligations.

(2) The school governing authority must ensure that the procedure is:
   (a) sensitive to the diversity characteristics of the school community;
   (b) made publicly available; and
   (c) accessible to children, school staff, and the wider community.

(3) The procedure must:
   (a) cover all forms of ‘child abuse’ as defined in the ETR Act;
   (b) apply to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment;
   (c) identify the positions of the person or people who are responsible for:
      (i) promptly managing the school’s response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously;
      (ii) responding appropriately to a child who makes or is affected by an allegation of child abuse;
      (iii) monitoring overall school compliance with this procedure; and
      (iv) managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility under Clause 11(3)(c)(i) cannot perform his or her role;
   (d) include a statement that fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse;
   (e) clearly describe the actions the school will take to respond to an allegation of child abuse, including actions to:
      (i) inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
      (ii) protect any child connected to the alleged child abuse until the allegation is resolved; and
      (iii) make, secure, and retain records of the allegation of child abuse and the school’s response to it.

(4) The procedure must not:
   (a) prohibit or discourage school staff from reporting an allegation of child abuse to a person external to the school;
   (b) state or imply that it is the victim’s responsibility to inform the police or other authorities of the allegation;
   (c) require staff to make a judgment about the truth of the allegation of child abuse; or
   (d) prohibit staff from making records in relation to an allegation or disclosure of child abuse.
12. Strategies to identify and reduce or remove risks of child abuse

(1) The school governing authority must develop and implement risk management strategies regarding child safety in school environments.

(2) The school’s risk management strategies regarding child safety must identify and mitigate the risk(s) of child abuse in school environments by taking into account the nature of each school environment, the activities expected to be conducted in that environment (including the provision of services by contractors or outside organisations), and the characteristics and needs of all children expected to be present in that environment.

(3) If the school governing authority identifies risks of child abuse occurring in one or more school environments the authority must make a record of those risks and specify the action(s) the school will take to reduce or remove the risks (risk controls).

Explanatory note: Different risk controls may be necessary for particular groups of children depending on the nature of the risk and the diversity characteristics of children affected by the risk.

(4) As part of its risk management strategy and practices, the school governing authority must monitor and evaluate the effectiveness of the implementation of its risk controls.

(5) At least annually, the school governing authority must ensure that appropriate guidance and training is provided to the individual members of the school governing authority and school staff about:

   (a) individual and collective obligations and responsibilities for managing the risk of child abuse;

   (b) child abuse risks in the school environment; and

   (c) the school’s current child safety standards.

13. Strategies to promote child empowerment and participation

(1) The school governing authority must develop strategies to deliver appropriate education about:

   (a) standards of behaviour for students attending the school;

   (b) healthy and respectful relationships (including sexuality);

   (c) resilience; and

   (d) child abuse awareness and prevention.

(2) The school governing authority must promote the child safety standards required by this Order in ways that are readily accessible, easy to understand, and user-friendly to children.
APPENDIX 3

BETRAYAL OF TRUST:
FACT SHEET

Failure to Protect: a new criminal offence to protect children from sexual abuse

In response to the Betrayal of Trust report the Victorian Government is strengthening laws to protect our children from sexual abuse and exposure to sexual offenders. This is in recognition of the shared community responsibility to protect children from abuse and to provide a safe environment for children to develop, learn and play.

A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse will commence on 1 July 2015.

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.

This offence will encourage organisations to actively manage the risks of sexual offences being committed against children in their care and further protect them from harm.

1. What is the offence of failing to protect a child from a sexual offence?

The new offence provides that a person who:

a) by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child 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 relevant organisation; 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.

2. What is a ‘relevant organisation’?

The offence applies to people in authority within a relevant organisation. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

Relevant organisations include, but are not limited to:

- churches
- religious bodies
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- licensed children’s services such as occasional care services
- schools and other educational institutions
- organisations that provide accommodation to children and young people, such as boarding schools and student hostels
BETRAYAL OF TRUST: FACT SHEET

- out-of-home care services
- community service organisations providing services for children
- hospitals and other health services
- government agencies or departments providing services for children
- municipal councils (for example those that deliver Maternal and Child Health services)
- sporting groups
- youth organisations
- charities and benevolent organisations providing services for children.

3. Who is a person in authority in an organisation?

A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.

Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation’s volunteer policy and other operational arrangements.

Examples of people in authority may include residential house supervisors, CEOs, board, council or committee members, school principals, service managers and religious leaders. It may also apply to people with less formal involvement in an organisation. For example, a volunteer parent coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited.

4. Who is a relevant child?

A person in authority will be guilty of an offence if he or she negligently fails to reduce or remove a substantial risk to a relevant child. A ‘relevant’ child is a child under the age of 16 who is, or may come, under the care, supervision or authority of a relevant organisation.

The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation’s care, supervision or authority.

5. Who is a ‘person associated with’ an organisation?

The offence requires a person in authority to act if they know that a person associated with their organisation poses a substantial risk to a relevant child. This may include a person who is an officer, office holder, employee, manager, owner, volunteer, contractor or agent of the organisation. This definition does not include a person who solely receives services from the organisation.

For example, a parent living in the community who is involved with child protection services or who has a child in out-of-home care, and who may pose a risk of sexual abuse to a child, would not be considered to be ‘associated with’ the Department of Health & Human Services under the offence. Similarly, parents of children attending a school or service will generally only be ‘associated with the organisation’ if they are also engaged as a volunteer, for example to assist in the classroom or attend an excursion or camp.
The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.

6. **What is a ‘substantial risk’?**

The offence requires a person in authority to reduce or remove a known ‘substantial’ risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- 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 a 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.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

7. **When does a person ‘know’ there is a risk of child sexual abuse?**

This offence requires a person in authority to act if they know that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to have knowledge of a circumstance if he or she is aware that it exists or will exist in the ordinary course of events. This requires a higher level of awareness than merely holding a tentative belief or suspicion.

However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.

8. **When does a person negligently fail to reduce or remove a substantial risk?**

Under the offence, a person is taken to have negligently failed to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in an organisation to another location where they still have contact with children, is likely to be committing the offence. Another example is where a person in authority employs someone in a role that involves contact with children, when the person in authority knows the employee left their last job because of allegations of sexually inappropriate behaviour involving children.
9. Will this criminalise mistakes made by adults who are caring for or working to protect children?

This law is aimed at protecting children and compelling those in authority to remove or reduce known substantial risks that children may become victims of sexual abuse.

As previously noted, the offence applies to a person in authority whose failure to protect a child from sexual abuse involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances.

The offence is unlikely to be committed where a person takes reasonable steps to protect a child from the risk of sexual abuse, for example, where an allegation is reported to appropriate authorities and the individual is removed from any role involving unsupervised contact with children pending an investigation.

10. What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.

For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.

- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.

- 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.

If you want to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

11. How can you improve child safety in your organisation, and remove or reduce the risk of harm?

There are a range of measures that organisations can adopt to improve child safety and reduce the risk of harm to children. New Victorian child-safe standards are expected to be introduced from January 2016, and will provide a framework to assist in ensuring child safety in the organisation. Under the standards, organisations will be expected to have policies, procedures and systems in place to protect children from abuse, including appropriate pre-employment screening arrangements and systems for reporting and responding to allegations of abuse.

In the meantime, organisations are encouraged to create and implement risk management strategies suitable to their environment to reduce the risk of harm to children. These may include:

- Adopting a child safety policy that outlines a commitment to child safety and provides guidance on how to create a child safe environment.

- Enforcing a code of conduct that sets clear expectations about appropriate behaviour towards children and obligations for reporting a breach of the code.

- Ensuring all new staff and volunteers are appropriately screened, including reference checks, before commencing employment with the organisation (in addition to Working with Children Checks or Victorian Institute of Teaching registration).

- Providing training to staff in prevention, identification and response to child safety risks, including reporting requirements and procedures.
Organisations should review existing policies and practices to identify potential risks and ensure that risk management strategies and action plans are effective. To learn more about creating child-safe organisational environments, the Guide to Creating a Child-safe Environment produced by the Commission for Children and Young People provides practical information for organisations seeking to improve child safety and reduce the risk of harm.

Organisations operated, funded and/or regulated by Government can reduce the risk of child harm to children by continuing to comply with departmental standards, screening requirements, program requirements and policies on preventing, reporting and responding to child sexual abuse, for example:

- Protecting the safety and wellbeing of children and young people: A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools (Joint Protocol)
- DHHS’s Critical Client Incident Management Instruction; and the Instruction on Responding to Allegations of Physical or Sexual Assault (RAPSA)
- Schools Policy and Advisory Guide (SPAG) for Victorian government schools

Sports and recreation organisations can also refer to the Victorian Code of Conduct for Community Sport and VicSport ‘Safeguarding Children’ websites for resources about creating child-safe organisations.

12. Will the offence criminalise members of the public who fail to protect a child from a risk of sexual abuse?

No — the failure to protect offence applies to people in authority within an organisation that exercises care, supervision or authority over children. It does not apply to parents or other individuals not connected to these organisations. However, as noted above, a parent who volunteers in an organisation (for example as a sporting coach) may be in a position of authority and subject to the offence.

A separate ‘failure to disclose’ offence applies to any adult who fails to report a reasonable belief to Victoria Police that a sexual offence has been committed against a child under the age of 16, unless there is a reasonable excuse for not doing so.

13. How does the failure to protect offence interact with mandatory reporting obligations?

This offence is in addition to existing mandatory reporting obligations for specified staff under the Children, Youth and Families Act 2005. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

14. What is the penalty for failing to protect a child?

The maximum penalty is five years’ imprisonment.

15. When will the offence take effect?

The offence will commence on 1 July 2015.

16. How do I contact Victoria Police?

If you want to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

If the report is not in relation to an immediate risk, contact your local police station or call Crime Stoppers on 1800 333 000.
The new ‘failure to disclose’ offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

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.

1. What is a ‘reasonable belief’?
A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

2. Are there any excuses for not reporting child sexual abuse to police?
A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

**Fear for safety**

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person’s fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

**Where the information has already been disclosed**

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.
An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the Children, Youth and Families Act 2005. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

3. What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. ‘Perceived interests’ includes reputation, legal liability or financial status.

For example, a principal’s concern for the reputation of a school, or a clergyman’s concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

4. Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

The person is a child when they formed a reasonable belief

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

The information would be privileged

People will not be required to disclose where the information would be privileged. This includes:

- client legal privilege
- journalist privilege
- religious confessions
For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

6. Won’t child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don’t report due to fear for their own or someone else’s safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.
7. Won’t this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

8. The offence requires ‘any adult’ to report suspected child sexual abuse. Isn’t this too broad? Won’t it lead to people reporting unfounded suspicions?

The offence requires a person to report to police where they have information that leads them to form a ‘reasonable belief’ that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a ‘reasonable belief’.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

9. How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

11. What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

12. When will the failure to disclose offence take effect?

27 October 2014.

13. How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call **Triple Zero (000)**

Alternatively, you can contact your local police station.

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at sanotaskforce@police.vic.gov.au
APPENDIX 5

BETRAYAL OF TRUST:
FACTSHEET

The new ‘grooming’ offence

The Crimes Amendment (Grooming) Act 2014, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The Victim’s Charter Act 2006 was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

GROOMING IS NOW A CRIMINAL OFFENCE

1. What is grooming?
   - The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
   - The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s involvement in sexual conduct, either with the groomer or another adult.
   - Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
   - The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

2. Who can commit the offence?
   The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

3. What age are the children who are protected by the offence?
   The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.
4. **What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?**

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. **What is the purpose of amending the Victim’s Charter Act 2006?**

Amending the *Victim’s Charter Act 2006* to expressly include a family member of the child as a victim of a grooming offence (e.g. the child’s parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. **What is the penalty for grooming?**

The maximum penalty is 10 years imprisonment.
b) Child Protection – Reporting Obligations

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Introduction

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Catholic schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.

Under the National Framework for Protecting Australia’s Children 2009–2020, protecting children is everyone’s responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, Protecting the safety and wellbeing of children and young people, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children’s services, exists to protect the safety and wellbeing of children and young people.

All teachers, other staff, parish priests, canonical and religious order administrators of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

Purpose of this policy

Schools must comply with the 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.) and the recommendations of the Betrayal of Trust Report.

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- 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 criminal child abuse and grooming under criminal law.

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

1. Children, Youth and Families Act 2005 (Vic.)
   1.1. Mandatory Reporting
   1.2. Forming a 'reasonable belief'
   1.3. Types of child abuse and indicators of harm
   1.4. Reporting child protection concerns
   1.5. When to make a mandatory report
   1.6. When a report may be required, though not mandated
   1.7. Flowchart – Responding to a possible mandatory reporting concern.
2. Crimes Act 1958 (Vic.)
2.1. Failure to disclose
2.2. Failure to protect
2.3. When to report criminal offences.
3. How to make a report for mandatory reporting and criminal offences
  3.1. Making a report
  3.2. Potential consequences of making a report
  3.3. Related resources.

Procedures

1. Children, Youth and Families Act 2005 (Vic.)

1.1 Mandatory Reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) (Act) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act, is any person 17 years of age or younger. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical, emotional, psychological, developmental harm or sexual abuse, and that the child’s parents are unwilling or unable to protect the child, must report that belief to DHHS Child Protection and the grounds for it as soon as possible after forming the belief. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief.

1.2 Forming a ‘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.

For example, a ‘reasonable belief’ might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- a child or young person exhibits sexually-abusive or age-inappropriate behaviours
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.
1.3 Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators must be reported.

It is mandatory to report concerns relating to:

- physical abuse
- sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.


1.4 Reporting child protection concerns

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – must report their concerns to DHHS Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

**Child Protection** is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**Child FIRST** is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.
Mandatory reporters must report their concern to DHHS Child Protection if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. Refer to Appendix 2: “A step-by-step guide to making a report to Child Protection or Child FIRST”

It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child under 16 then it must be reported to the police. Refer to Department of Justice and Regulations – Failure to disclose offence and the Betrayal of Trust: Fact Sheet included as Appendixes to the Simonds Catholic College Child Safety Policy

1.5 When to make a mandatory report

<table>
<thead>
<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
</tr>
</thead>
</table>
| Mandatory Reporting - DHHS Child Protection | Mandatory reporters  
• Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)  
• Principals of government and non-government schools  
• Registered medical practitioners  
• Nurses  
• All members of the police force | Contact DHHS Child Protection                                           |
### 1.6 When a report may be required, though not mandated

<table>
<thead>
<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child in need of protection</strong></td>
<td>Any Person</td>
<td>Contact DHSS Child Protection AND Victoria Police if it is clear a crime has been committed</td>
</tr>
<tr>
<td>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</td>
<td></td>
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</tr>
<tr>
<td>• The child’s parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</td>
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</tr>
<tr>
<td>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The child’s physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Child in need of therapeutic treatment</strong></td>
<td>Any person</td>
<td>Contact DHSS Child Protection or Child FIRST</td>
</tr>
<tr>
<td>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours. Contact Child FIRST if there is no significant concern about the immediate safety of the child.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Significant concerns about wellbeing of a child</strong></td>
<td>An person</td>
<td>Contact DHSS Child Protection or Child FIRST</td>
</tr>
<tr>
<td>School staff can seek advice from or make referral to DHSS Child Protection or Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The staff member should share relevant information with Child FIRST to help them complete their assessment of the referral.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1.7 Flowchart- Responding to a possible mandatory reporting concern

You are concerned about a child because you have:
- Received a disclosure from a child about physical or sexual abuse or other types of abuse or neglect
- Observed indicators of physical or sexual abuse or other types of abuse or neglect
- Been made aware of possible harm via your involvement in the community external to your professional role.

Do your concerns relate to a child in need of immediate protection, or have you formed a belief that a child is at significant risk of harm? If your concerns relate to physical or sexual abuse, then it is mandatory to make a report – Yes/No. For some other concerns it is a requirement to contact Victoria Police (e.g. suspected grooming or failure to disclose and failure to protect).

- Yes
  - Contact your local Child Protection intake provider to report a concern about physical or sexual abuse
  - DHHS Child Protection
  - Have notes ready with your observations and child and family details.

- No
  - Do you have other significant concerns that a child & their family need a referral to Child FIRST for family services?
  - Yes
    - Contact your local Child FIRST provider
    - Have notes ready with your observations and child and family details
  - No
    - Consider level of immediate danger to the child.
      1. Ask yourself:
         a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES/NO
         b) Am I in doubt about the child’s safety and the parent’s ability to protect the child? YES/NO
      If you answered yes to a) or b), contact DHHS Child Protection to make a mandatory or protective report.
      2. If you have significant concerns that a child and their family need a referral to Child First for family services, contact local Child FIRST provider

Note:
Non-mandated staff are also able to report their concerns, and under the Crimes Act 1958 (Vic.) are legally obliged to report if a reasonable belief has been formed that a sexual offence has been committed in Victoria by an adult against a child.
2. Crimes Act 1958 (Vic.)
Three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- failure to disclose offence, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- failure to protect offence, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so
- grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

2.1 Failure to disclose
Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence under section 327 of the Crimes Act 1958 (Victoria) and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

For further information about the ‘failure to disclose’ offence, see: Department of Justice and Regulations – Failure to disclose offence and the Betrayal of Trust: Fact Sheet included as an attachment to the Simonds Catholic College Child Safety Policy.

2.2 Failure to protect
Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49C (2) of the Crimes Act 1958(Vic.). In a school context this will include the principal and the business manager and may also extend to School Counsellors, heads of departments and heads of school.

For further information about the ‘failure to protect’ offence, see: Department of Justice and Regulations - Failure to protect offence and the Betrayal of Trust: Fact Sheet included as an attachment to the Simonds Catholic College Child Safety Policy.

2.3 Grooming
The offence of grooming prohibits predatory conduct designed to prepare or ‘groom’ a child for future sexual activity and is contained in section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the ‘grooming offence’, see: Department of Justice and Regulation – Grooming offence and the Betrayal of Trust: Fact Sheet.

For more information about managing and responding to the risk of abuse, see Responding to Student Sexual Assault and Risk Management in the Department of Education and Training resources.
2.4 When to report criminal offences

This table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

<table>
<thead>
<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</td>
<td>Any person aged 18 or over</td>
<td>Victoria Police</td>
</tr>
<tr>
<td>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>You will not be guilty of an offence if you do not report in the following circumstances:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The victim turned 16 years of age before 27 October 2014.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reasonable excuses for failing to comply with the requirement include:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How to make a report for mandatory reporting and criminal offences

The following information provides practical guidance in relation to record-keeping for both mandatory reporting and criminal offences.

3.1 Making a report

In case of emergency or if a child is in life-threatening danger contact Triple Zero (000) or the local police station.

Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider (see DHHS Child Protection contacts). If after hours call the Child Protection Crisis Line on 13 12 78.

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.
<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1. | Keep comprehensive notes that are dated and include the following information:  
  - information that has led to concerns about the child’s safety (e.g. physical injuries, student behaviour)  
  - the source of this information (e.g. observation of behaviour, report from child or another person)  
  - the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.). |
| 2. | Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made. |
| 3. | Gather the relevant information necessary to make the report. This should include the following information:  
  - full name, date of birth, and residential address of the child or young person  
  - the details of the concerns and the reasons for those concerns  
  - the individual staff member’s involvement with the child and young person  
  - details of any other agencies who may be involved with the child or young person, if known. |
| 4. | Make a report to the relevant agency:  
  - To report concerns that are life threatening **phone 000 or the local police station.** To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. Visit the Victoria Police website for local contact numbers  
  - To report concerns about the immediate safety of a child within their family unit to DHS Child Protection:  
    - Call your local Child Protection Intake provider immediately, Child Protection  
    - For After Hours Child Protection Emergency Services call 13 12 78  
    - To report concerns to DHHS Child Protection, contact your local child protection office.  
  ** Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection |
| 5. | Make a written record of the report which includes the following information:  
  - the date and time of the report and a summary of what was reported  
  - the name and position of the person who made the report and the person who received the report. |
| 6. | **Notify relevant school staff and/or Catholic Education Melbourne** staff of a report to DHHS Child Protection or Child FIRST.  
  - School staff should advise the Principal or Deputy Principal if they have made a report  
  - School staff can see further assistance by contacting the Catholic Education Melbourne Wellbeing & Community Partnerships Unit. |
| 7. | In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student. In the case of Koorie students, the principal must notify the Diocese or Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student. |
### 3.2 Potential consequences of making a report

This table describes the potential consequences of making a report.

<table>
<thead>
<tr>
<th>Potential Consequence</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Confidentiality**    | The identity of a reporter must remain confidential unless:  
|                        | • the reporter chooses to inform the child, young person or parent of the report.  
|                        | • the reporter consents in writing to their identity being disclosed.  
|                        | • a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.  
|                        | • a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence. |
| **Professional Protection** | If a report is made in good faith:  
|                        | • it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.  
|                        | • the reporter cannot be held legally liable in respect of the report. |
| **Interviews**         | DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent.  
|                        | Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.  
|                        | DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.  
|                        | When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.  
|                        | When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.  
|                        | For more information on these requests and school responsibilities, see the Department of Education & Training website: [Police and DHHS Interviews](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx) |
| **Support for the child or young person** | The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:  
|                        | • acting as a support person for the child or young person  
|                        | • attending DHHS Child Protection case planning meetings  
|                        | • observing and monitoring the child’s behaviour  
|                        | • liaising with professionals. |
| **Requests for Information** | DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.  
|                        | In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. For more information see the Department of Education & Training website: [Requests for Information About Students](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx) |
| **Witness Summons**     | If DHHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see the Department of Education & Training website: [Subpoenas and Witness Summons](http://www.education.vic.gov.au/school/principals/spag/governance/Pages/subpoenas.aspx) |
3.3 Related resources

Catholic Education Melbourne

- Catholic Schools Operational Guide (CEVN website)

Department of Education and Training

- Duty of care
- Police and DHS Interviews
- Responding to Student Sexual Assault
- Requests for Information about Students
- Risk Management
- Subpoenas and Witness Summons
- Flowchart: A step-by-step guide to making a report to Child Protection or Child FIRST (Appendix 2)
- Mandatory Reporting eLearning Module

Related legislation

- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Victorian Institute of Teaching Act 2001 (Vic.).

Department of Health and Human Services

- Child Protection
- Child FIRST
  www.childfirst.org
Victoria Police
- Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT).

Department of Justice and Regulations
- Failure to disclose offence
- Failure to protect offence
- Grooming offence

Other resources
- Daniel Morcombe Child Safety Curriculum
- Parents: Daniel Morcombe Child Safety Curriculum Parents Guides (Queensland Department of Education, Training and Employment)

Further information
Catholic Education Melbourne Wellbeing & Community Partnerships Unit operates the Student Wellbeing Information Line (9am – 5pm daily) 03 9267 0228

The Student Wellbeing Information Line seeks to:
- address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution focused-framework
- act as a conduit between the school and the family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.
Appendices

Appendix 1 - School’s internal process and related documents


Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Emmanuel College adopts the CEM Policy 2.19: Child Protection – Reporting Obligations.

This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child 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
- understand how a ‘reasonable belief’ is formed
- 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 criminal child abuse and grooming under criminal law.

Emmanuel College has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student. [See Appendix 1]

In accordance with the relevant legislation, any school employee, volunteer, contractor or religious cleric employed by or affiliated with Emmanuel College who has evidence that a student has been abused MUST report the matter immediately to the relevant authority or authorities, and to the Emmanuel College Principal.

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Any person within the Emmanuel College school community, including staff, volunteers, parents or students, who is beginning to have concerns regarding the safety of a student at Emmanuel College should discuss these concerns with the Campus Leader/Pastoral Co-ordinator who will provide advice and guidance. The Campus/Leader Pastoral Co-ordinator will maintain open lines of communication with the Campus Leader/Principal, keeping the Principal up-to-date with any possible action that is being considered in relation to any student whose safety is beginning to be suspected of being at risk.

Should concerns for a student’s wellbeing escalate to the level that a reasonable person would believe that the student is at risk of harm, the person who has brought the risk to light will be
directed to report the matter to the Principal immediately, or in the Principal’s absence, to the Deputy Principal. The Principal or Deputy Principal will work with the person to take all actions required by the relevant legislation on child safety.

Internal Process

Any School staff member who believes on reasonable grounds that a child or young person is in need of:

• protection from physical harm or sexual abuse – must report their concerns to DHHS Child Protection
• protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
• protection from the predatory conduct of grooming – must report their concerns to the police
• therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

Procedures

1. In order to decide whether a report should be made to Child Protection and/or the Police, staff should follow the process outlined below:

   a. form a reasonable belief as outlined in Section 1.2 of CEM POLICY 2.19 and PROTECT, record and maintain confidential notes of their concerns and observations and/or discussions with the student which led to them forming a reasonable belief that the student was at risk;

   b. inform and consult with one of the following senior staff as soon as is practical:

      • The student’s House Leader
      • Pastoral Co-ordinator
      • Campus Leader
      • Member of the Student Support Team [Counsellor]
      • Principal

   c. review the information with the relevant staff as outlined above:

      • The purpose of this discussion is to support the teacher in preparing to make a report if required and to clarify the nature of concerns

      • Make the decision whether to make a report to DHHS Child Protection/Police or Child FIRST. The Principal will be informed at this stage if that has not already been done.

2. Once the decision to make the report has been made, normally the staff member who has formed the reasonable belief will contact DHHS Child Protection/Police to make the report. It is therefore important that the staff member who formed the reasonable belief has kept detailed notes of their observations and concerns. These notes should be in a separate file, should be kept confidential and held securely. A support person may sit with the teacher while they are making the report and assist in preparing required information about the child eg. Name, DOB etc

3. In some cases it may be more appropriate for a member for the relevant Student Welfare Officer to make the report. The staff member who formed the reasonable belief will be expected to make available their notes to the Student Welfare Officer making the report.

4. If it is alleged, or a reasonable belief is formed, that a member of the School staff is involved in the abuse of a student, or in grooming activities, the Principal will be informed immediately, and the Principal will inform Catholic Education Melbourne immediately.
5. A pastoral support team will be established to assist the student as, and when, the need arises. The support team will normally consist of:

   a. House Leader
   b. Pastoral Coordinator
   c. Member of Student Support Team [counsellor]
   d. Campus Leader

7. If the student is an Aboriginal or Torres Strait Islander student, the Principal must notify Catholic Education Melbourne to ensure the regional Aboriginal or Torres Strait Islander support officer can arrange appropriate support for the student.

8. If interviews of the student, about whom the report is made, are to take place at the School by external organisations such as, but not limited to, DHHS Child Protection or Police, a member of the student’s Pastoral Support Team will be present at all interviews to support the student. The college will follow the **CEM School Guidelines 2.19a: Police and DHHS Interview Protocols**

9. Any actions taken by any member of the Pastoral Support Team in support of the student will be documented and added to the student’s secure confidential file. This will include record of any interviews with the student held by school or external personnel.

10. The staff member will be supported by the Emmanuel College Leadership Team, or its delegate, at the time of the report, and following the report being made.

11. If the concern about a student is related to grooming activities, the staff member who has formed the belief that such activities are taking place should follow the same procedure as outlined above. In addition to DHHS being contacted, the matter will also be reported to the Police.

12. It is essential that staff members do not promise confidentiality to any student, in these or any other circumstances. To do so may place the staff member in a difficult situation regarding the best course of action to take to help the student. If a student asks for confidentiality, prior to or after a disclosure of any sort, the best response is to indicate:

   a. concern for the student’s safety or wellbeing,
   b. the need to seek the advice of a House Leader, Pastoral Coordinator, Student Support Team Member, Campus Leader to work out what might be the best way to get the student the help they need.
   c. if the student then refuses to discuss the issue with the staff member, and the staff member’s knowledge of the student leads them to be concerned for the wellbeing of that student, the staff member must contact the student’s House Leader or Pastoral Coordinator or Campus Leader immediately.

For Further guidance see the School Handbook, notably the following sections

- Child Safety Policy
- Child Safety Code of Conduct
- Pastoral Care Policy
- Working With Children Policy
- Teacher/Student Sexual Harassment Policy
## Appendix 2 - A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:
- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

At all times remember to:
- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESPONDING TO CONCERNS</strong></td>
<td><strong>FORMING A BELIEF ON REASONABLE GROUNDS</strong></td>
<td><strong>MAKING A REFERRAL TO Child FIRST</strong></td>
<td><strong>MAKE A REPORT TO CHILD PROTECTION</strong></td>
</tr>
</tbody>
</table>

1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*
   - Go to Step 4
2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.
   - Go to Step 3
3. In all other situations
   - Go to Step 2

### Mandatory/Protective Report*

1. Contact your local Child Protection Intake provider immediately.
   - See over for contact list for local Child Protection phone numbers.
   - For After Hours Child Protection Emergency Services, call 131 278.
2. Have notes ready with your observations and child and family details.

* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – Protecting the safety and wellbeing of children and young people.

For further information, refer to Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian School.
Child Safety Report

c) Child Safety Code of Conduct

Emmanuel College, sharing the mission of the Church and the principles of a Marianist education, with its devotion to Mary, the Mother of Jesus, delivers Catholic secondary education, directed particularly to the young women and men from the parishes of the region, supporting all dimensions of their growth and learning, faith, intellectual, emotional, social, psychological and physical.

At Emmanuel College 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 in 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: that is why the promotion of the human person is the goal of the Catholic school (Congregation for Catholic Education 1997, n. 9).

Our values are underpinned by our commitment to bear witness to the following shared values as modelled by Jesus Christ and exemplified in the life of William Chaminade.

- Justice
- Respect
- Responsibility
- Honouring Diversity
- Honesty
- Compassion
- Commitment & Endeavour

The essence of the College is learning and teaching, with faith education, and the safety of our young people, as a primary focus.

Purpose

This Code of Conduct has a specific focus on safeguarding children and young people at Emmanuel College against sexual, physical, psychological and emotional abuse or neglect. It is intended to complement child protection legislation, School policies and code of conduct in relation to child safety, mandatory reporting and safety of young people and Victorian Institute of Teaching Codes of Conduct as these apply to staff and personnel.

All staff, volunteers, contractors, clergy and board members at Emmanuel College are expected to actively contribute to a school culture that respects the dignity of its members and affirms the Gospel values of love, care for others, compassion and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, by

1. **Upholding the primacy** of the safety and wellbeing of students
2. **Empowering members of the Emmanuel community** to have a voice and raise concerns in matters of child safety
3. **Implementing simple, clear and effective practices** in risk-management and employment regarding child safety
Upholding the primacy of the safety and wellbeing of students - All staff, volunteers, contractors, clergy and board/school council members are responsible for upholding the primacy of the safety and wellbeing of students by:

- adhering to Emmanuel College’s child-safe policy and upholding the school’s statement of commitment to child safety at all times
- taking all reasonable steps to protect the young people in our care from abuse
- treating everyone in the school community with respect modelling positive and respectful relationships and acting in a manner that sustains a safe, educational and pastoral environment
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander young people
- promoting the cultural safety, participation and empowerment of young people with culturally and/or linguistically diverse backgrounds
- promoting the safety, participation and empowerment of young people with a disability
- if an allegation of child abuse is made, ensuring as quickly as possible that the young person/people are safe in accordance with the school’s Child Safety Policy
- ensure that the appropriate protocol is followed with regard to the authorisation of the relevant Campus Administration Team for school-related contact with a College student outside scheduled school hours eg inter-school competition; incursions/excursions; learning assistance; sports training
- ensure that this code of conduct is followed in any interactions with College students or other young people outside scheduled school hours eg chaplains and Sunday Mass; coaching of local sports teams; attendance at local events

In upholding the primacy of the safety and wellbeing of students - All staff, volunteers, contractors, visitors, clergy and board members must not:

- exhibit behaviours with young people which may be construed as unnecessarily physical
- engage in open discussions of a mature or adult nature in the presence of young people unless directly related to the curriculum (for example, personal social activities)
- use inappropriate language in the presence of young people
- express personal views on culture, race or sexuality in the presence of young people
- discriminate against any young person, on the basis of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- photograph or video a young person, except in the case of activities connected with learning and teaching, without the consent of the parent or guardians
- work with a young person while under the influence of alcohol or illegal drugs
- in the school environment, or at other school events where students are present, consume alcohol contrary to school policy or take illicit drugs under any circumstances
- have contact with a young person or their family outside of school without the school’s leadership team’s knowledge (for example, unauthorised after-hours tutoring, private instrumental/other lessons or sport coaching). This does not include accidental contact, such as seeing people in the street. Staff who will have contact with students outside the college setting, should list these known interactions with student at the bottom of this Code of Conduct. This enables a ‘culture of awareness to be created whereby, through a range of diverse activities and associations, staff do not compromise themselves in relation to the Child Safe Standards.**
- have school-related contact with a College student outside scheduled school hours without the authorisation of the relevant Campus Administration Team eg inter-school competition; incursions/excursions; learning assistance; sports training
Empowering members of the Emmanuel community to have a voice and raise concerns in matters of child safety –

All staff, volunteers, contractors, clergy and board/school council members are responsible for:

- listening and responding to the views and concerns of young people, particularly if they are telling you that they or another young person have been abused or that they are worried about their safety/the safety of another young person
- reporting any allegations of child abuse as outlined in the Child Protection – Reporting Obligations
- understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958 (Vic.) and as contained in the school’s Child Safety Policy
- reporting any child safety concerns as outlined in the Child Protection – Reporting Obligations

In empowering members of the Emmanuel community to have a voice and raise concerns in matters of child safety - All staff, volunteers, contractors, visitors, clergy and board members must not:

- ignore or disregard any suspected or disclosed child abuse

Implementing simple, clear, and effective practices in risk-management and employment regarding child safety -

All staff, volunteers, contractors, clergy and board/school council members are responsible for:

- ensuring as far as practicable that adults are not alone with a young person
- ensuring child safety protocols in the College employment protocol are implemented
- ensuring risk assessments for the appointment, and school-related work, of contractors incorporate child safety
- ensuring risk assessments for extra-campus school related student involvement incorporate child safety

In implementing simple, clear, and effective practices in risk-management and employment regarding child safety –

All staff, volunteers, contractors, visitors, clergy and board members must not:

- develop any ‘special’ relationships with young people that could be seen as favouritism (for example, the offering of gifts or special treatment for specific young persons)
- put young people at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact with young people or do things of a personal nature that a young person can do for themselves, such as toileting or changing clothes
- have any online contact with a young person (including by social media, email, instant messaging etc.) or their family, unless that contact is to provide information about the School, or connected directly to the school work of the enrolled student.
- use any personal communication channels/device such as a personal email account to make contact with a student
- exchange personal contact details such as phone number, social networking sites or personal email addresses with a student
Examples of possible interactions with students outside the school setting may include:

- Staff member has child at school whose school friends come around to the teacher/child’s house
- Staff member coaches the local netball team - students from the school compete both in that team and in other teams – coach may not be aware of students in other teams until match day
- Staff member attends local sporting matches as a spectator in which students from the school are competing

Please list below any situations where you may have interactions with students outside the school setting

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

I, _______________________________________________, confirm I have been provided with a copy of the above Code of Conduct and I have listed any known interactions with students. I will update this list when/if there is any alternation to my situation.

Signed: ________________________________ Date: ________________