



Executive Summary

If you have a belief or suspicion that a child is being, or has been, subjected to any form of abuse, you must contact the Department of Families, Fairness and Housing (Child Protection).

Where you need guidance on making a report or have questions regarding child safety and wellbeing, contact one of the College's Child Safeguarding Officers.

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

Introduction

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Edmund Rice Education Australia Statement of Commitment to Child Safety

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives.

At St Patrick's College we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child safeguarding, wellbeing, and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

St Patrick's College's Child Safeguarding Program

This Child Safeguarding Program is made up of policies, procedures, practices and guidelines designed to maintain a child safe environment and to embed an organisational culture of child safety and wellbeing within the College community.

The Program deals specifically with creating and maintaining a child safe organisation, including - but going further than - child protection issues.

Broader child safety and wellbeing issues arising from our common law duty of care are dealt with through our [Student Duty of Care Program](#).

Key Definition: Child Safety Incident or Concern

At St Patrick's College, and in our Child Safeguarding Program, a "child safety incident or concern" means an incident of or a concern about:

- "child abuse" as defined in Ministerial Order 1359 and the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act). These define "child abuse" as:
 - a sexual offence against a child
 - the criminal offence of grooming (which includes grooming of a child or of a person with care, supervision or responsibility for the child with the intention of facilitating the child being engaged or involved in the commission of a sexual offence)
 - the infliction, on a child, of physical violence or "serious" emotional or psychological harm*
 - the "serious" neglect of a child*
- a child being "in need of protection" as defined in the Child, Youth and Families Act 2005 (Vic) (CYF Act). This includes:
 - abandonment of the child by their parents and no other suitable person can be found who is willing and able to care for the child

- the child's parents are dead or incapacitated and no other suitable person can be found who is willing and able to care for the child
- "significant" harm as a result of physical injury, from which the child's parents have not or are not likely to protect the child*
- "significant" harm as a result of sexual abuse (including likely future sexual abuse as a result of grooming), from which the child's parents have not or are not likely to protect the child*
- "significant" emotional or psychological harm, from which the child's parents have not or are not likely to protect the child*
- "significant" neglect by the child's parents*
- "reportable conduct" as defined in the CWS Act. Reportable conduct is conduct by an employee of the College (whether in the course of their employment or not) involving:
 - a sexual offence committed against or in the presence of a child
 - sexual misconduct committed against or in the presence of a child
 - physical violence committed against or in the presence of a child
 - any behaviour that causes "significant" emotional or psychological harm to a child*
 - "significant" neglect of a child*
- a criminal offence against a child as set out in the Crimes Act 1958 (Vic). These include:
 - sexual penetration or sexual assault of, or sexual activity in the presence of, a child aged under 16 or a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming a child aged under 16 or a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming an adult who has a child under their care, supervision or authority
 - encouraging a child aged under 16 or a child aged 16 or 17 under the offender's care, supervision or authority to be involved in sexual activity
- a practice to change or suppress a child's sexual orientation or gender identity, which is prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
- a breach of the Child Safeguarding Codes of Conduct, such as:
 - a teacher engaging in undisclosed private meetings with a student who is not their own child
 - a Volunteer sports coach engaging in inappropriate online personal communications with a student
 - a Contractor music tutor publishing online photos, movies or recordings of a student without parental/carer consent.

*“Serious” emotional or psychological harm and “serious” neglect involve harm that has a lasting permanent effect. “Significant” emotional or psychological harm and “significant” neglect involve harm that is more than trivial or insignificant, but need not be as high as “serious” and need not have a lasting permanent effect.

For more information, refer to the [Child Safety Code of Conduct Policy and Procedures and Definitions and Key Indicators of Child Abuse and Other Harm](#).

Quick Access Documents

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#), 2018

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#), 2018

Source of Obligation and Related Legislative Instruments

The Child Safeguarding Program as a whole is designed to implement, and to ensure compliance with:

- the [Victorian Child Safe Standards](#)
- [Ministerial Order No. 1359](#), made under the Education and Training Reform Act 2006 (Vic)
- the [National Catholic Safeguarding Standards](#)
- the [EREA Child Safeguarding Standards Framework](#)
- relevant child safety and wellbeing, including but not limited to child protection, laws and regulations in Victoria.

Key Information for Staff, Volunteers and Contractors

There are a variety of different child safety incidents and concerns that you as a staff member must report to the College and/or external authorities.

This section of the Child Safeguarding Program summarises these obligations and links to the relevant Policies and Procedure for more guidance.

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including suspicions, allegations or disclosures of abuse or other harm, that are reported internally by Staff. Where appropriate, all matters that meet the required thresholds will be reported externally to the Department of Families, Fairness and Housing (Child Protection), the Commission for Children and Young People (CCYP), the Victorian Institute of Teaching (VIT) and/or the Police, depending on the information contained in the report.

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

[Our Child Safeguarding Officers - Who to Speak to if You Have a Concern](#)

[Response and Reporting Obligations](#)

Our Child Safeguarding Officers - Who to Speak to if You Have a Concern

Our Child Safeguarding Officers

You **must** report **all** child safety incidents or concerns internally to one of the Child Safeguarding Officers. For more information, refer to [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our Reporting a Child Safety Incident or Concern Internally Policy and Procedures.

St Patrick's College has appointed a number of Child Safeguarding Officers. Our Child Safeguarding Officers are your first port of call for most situations involving child safety incidents or concerns.

They can assist in clarifying your reporting obligations and managing the next steps.

They can also answer any questions that you may have with respect to our Child Safeguarding (Safety and Wellbeing) Policy and Procedures, our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, the EREA Child Safeguarding Standards Framework and the Child Safeguarding Program more generally.

Please be aware that reporting to or consulting with a Child Safeguarding Officer does not change any obligation you have under legislation to report to an external authority. For more information, refer to [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for

more detailed guidance, our Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures.

Our Child Safeguarding Officers are:

Name	Position	Contact No.	Email Address
Steven O'Connor	Principal	03 5322 4412 0427 431 617	soconnor@stpats.vic.edu.au
Richard Brodrick	Deputy Principal	03 5322 4408 0409 214 177	rbrodrick@stpats.vic.edu.au
Kevin Robillard	Assistant Principal- Pastoral Care & Wellbeing	03 5322 4350 0450 781 638	krobillard@stpats.vic.edu.au
Tom Ferguson	Assistant Principal-Staff & Culture	03 5322 4479	tferguson@stpats.vic.edu.au

		0400 187 511	
Carol Roberts	Assistant Principal- Learning Innovation	03 5322 4432 0419 362 458	caroberts@stpats.vic.edu.au
Geoff Brodie	Assistant Principal- Mission & Identity	03 5322 4326 0437 753 332	gbrodie@stpats.vic.edu.au
Members of the Wellbeing Leadership Team			2022WellbeingLeadershipTeam@S PCBallarat.onmicrosoft.com

While students can also talk to Child Safeguarding Officers if they have a child safety concern, the College does not place any limits on to whom or the ways in which students can disclose child safety incidents or concerns. Students therefore may raise child safety incidents or concerns, including about inappropriate behaviour by Staff, Volunteers and Contractors, via any means. For more information, refer to Child Safeguarding Complaints Management Policy and Procedures.

Our Senior Child Safeguarding Officer and Boarding School Senior Child Safeguarding Officer

St Patrick's College has also appointed a Senior Child Safeguarding Officer. Their contact details are listed in the [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

The Senior Child Safeguarding Officer has additional child safeguarding responsibilities. The Senior Child Safeguarding Officer is identified in the publicly available Child Safeguarding (Safety and Wellbeing) Policy and Procedures as the first point of contact for all child safety concerns or queries for the wider community, and coordinates the College's response to child safety incidents in consultation with the Principal, the Principal and EREA. The Boarding School Senior Child Safeguarding Officer has similar responsibilities.

For more information about our Child Safeguarding Officers' and Senior Child Safeguarding Officer's responsibilities, refer to Child Safeguarding Responsibilities.

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find here.

Response and Reporting Obligations

Below are high-level summaries of the various response and reporting obligations College Staff may have, and links to the College's policies and procedures for responding and for reporting to external agencies.

Responding to an Emergency

If a student has been harmed or is at immediate risk of harm you must ensure their immediate safety by:

- separating alleged victims and others involved
- administering first aid if needed
- calling 000 for urgent medical assistance and/or Police assistance to address immediate health and safety concerns
- briefing the Senior Child Safeguarding Officer to be the future liaison with the Police on the matter.

For more information, refer to Responding to an Emergency.

Managing Your Initial Response to a Child Safety Incident or Concern

There are six different ways that you may become aware of a child safety incident or concern involving a student. The links below take you to the strategies, guidelines, policies and procedures for managing each situation and for assisting the students involved:

- [Witnessing a Child Safety Incident](#)
- [Observation of Abuse and Other Harm Indicators](#)
- [Private Disclosure by a Student](#)
- [Public Disclosure by a Student](#)
- [Third Party Disclosure](#)
- [Disclosure by a Former Student](#)

You must also follow procedures for [Preserving Evidence](#) and [Documenting Your Observations and Actions](#).

Information on how you and the College should support students following an incident or a disclosure of abuse, harm or inappropriate behaviour is also found in the Support Following Child Safety Incident or Disclosure Policy and Procedures.

Reporting a Child Safety Incident or Concern Internally

Child safety situations can be very complex, not only from the perspective of ascertaining whether abuse or other harm has occurred but also in terms of understanding what steps to take to protect the student/s involved. It is important to remember at all times that the safety and welfare of the student are paramount.

Obtain Advice

If you **suspect** that a student may be experiencing abuse or other harm or that their safety may be at risk, **but you are unsure** whether your concern rises to the levels required for external reporting to the relevant authority, you should immediately raise your concerns with one of the College's Child Safeguarding Officers. The College's Child Safeguarding Officers will be able to assist you in clarifying your concerns and managing the next steps.

Internal Reporting Procedure

If you **know** or have **reasonable grounds to believe** that a student:

- has been abused or otherwise harmed; or
- is in need of protection for any reason,

such that Mandatory Reporting to Child Protection, Non-Mandatory Reporting to Child Protection or Reporting to Police is required, you **must** – in addition to reporting externally – report the matter internally to the College.

These reports can be made to one of the College's Child Safeguarding Officers (who are delegates of the Principal).

If the child safety incident or concern involves Reportable Conduct by a staff member, Volunteer or Contractor, then you may instead report directly to the Principal or, if the allegations are about the Principal, to the EREA Director of Safeguarding.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our Reporting a Child Safety Incident or Concern Internally Policy and Procedures and Reportable Conduct for Staff: Making a Reportable Conduct Report Internally Policy and Procedures.

In addition to reporting internally, you **must** also follow any appropriate external reporting procedures listed below.

You **must** document your internal report in [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#). For more information, refer to [Child Safeguarding Record Keeping Policy and Procedures](#).

Duty to Protect/Failure to Protect

In Victoria, it is a crime if a person who occupies a position within or in relation to the College:

- **knows** that there is a **substantial risk** that:
 - a child (aged under 16) who is under the **care, supervision or authority** of the College;
 - will become a victim of a **sexual offence** committed by an adult **associated with** the College; and
- has, by reason of their position, the power or responsibility to reduce or remove that risk; and
- negligently fails to reduce or remove that risk.

This criminal offence is known as 'Failure to Protect' and, in the College context, it covers failures to protect a student aged under 16 from sexual abuse by any adult Staff, Volunteer or Contractor.

The College also has a common law duty to protect **all** students, regardless of their age, from reasonably foreseeable risks of harm, including risks of **all** types of child abuse or other harm that may arise from Staff, Volunteers, and Contractors as well as from others.

Therefore, if you know that **any** adult associated with the College (including Staff, Volunteers, Contractors, students aged 18 or over, parents/carers and other family members of students) poses a substantial risk of sexually abusing a student, or a reasonably foreseeable risk of child abuse or other

harm to a student, you **must** take any actions to reduce or remove that risk that are within your power or responsibilities to take.

In addition, you **must** report the matter to the Principal (or the EREA Director of Safeguarding).

You **must** also follow the appropriate external reporting procedures listed below.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our Duty to Protect/Failure to Protect Policy and Procedures.

Mandatory Reporting to Child Protection

Although everyone has a moral and social responsibility to report concerns about child abuse or other harm, some professionals are legally required to make a report to the Department of Families, Fairness and Housing (Child Protection) if – during the course of their professional work or carrying out duties of their office, position or employment – they:

- they form a **belief on reasonable grounds**;
- that a child (aged under 17) is **in need of protection** because:
 - the child has suffered or is likely to suffer **significant harm** as a result of **physical injury** or **sexual abuse**; and
 - the child's parents have not protected or are unlikely to protect the child from the harm.

At the College, the following people are Mandatory Reporters:

- teachers
- the Principal
- medical practitioners
- nurses
- registered psychologists
- early childhood workers
- persons in religious ministry
- College counsellors.

Mandatory Reports can be made either to Child Protection or to the Police.

If you have contacted the Police, either as a result of [Responding to an Emergency](#) or [Reporting to Police Policies and Procedures](#), then you have made your Mandatory Report.

If you have not contacted Police, you must report to Child Protection. You must do this by:

- during business hours (8:45am-5:00pm, Monday to Friday), telephoning the Child Protection intake service for the local government area where the child resides, listed [here](#).
- after hours, telephoning Child Protection on **13 12 78**.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Mandatory Reporting to Child Protection Policy and Procedures](#).

Non-Mandatory Reporting to Child Protection

Under the law, anyone can report the following to Child Protection:

- **significant concerns** for the wellbeing of a child (aged under 17) (wellbeing reports)
- a child (aged under 17) who the person **believes on reasonable grounds** to be **in need of protection** (protective intervention reports)
- a child (aged under 18) who the person **believes on reasonable grounds** is **in need of therapeutic treatment** because they are exhibiting **sexually abusive behaviours** (therapeutic treatment reports).

Together, we call these Non-Mandatory Reports to Child Protection. All of these reports are voluntary under the law.

However, although Non-Mandatory Reporting to Child Protection is voluntary under the law, it is the College's policy that **allStaff** (including those who are not Mandatory Reporters) **must**, in particular circumstances, make wellbeing reports, protective intervention reports and therapeutic treatment reports to Child Protection.

This requirement aligns with the requirements of PROTECT [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#) (Four Critical Actions).

For more information about when you may be required by the College's policy and by Four Critical Actions to report to Child Protection, other than through Mandatory Reporting, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

Reporting to Police

[Failure to Disclose: Mandatory Reporting \(of Sexual Offences Against Children\) to Police](#)

Victorian law requires that any person aged 18 or over who forms a **reasonable belief** that a **sexual offence** has been committed by an adult (a person aged 18 years or over) against a child (aged under 16) must report that information to the Police, as soon as it is practicable to do so (unless the person has a reasonable excuse for not doing so).

We call this Mandatory Reporting (of Sexual Offences Against Children) to Police.

Failure to do this is a criminal offence known as 'Failure to Disclose'.

If you have concerns that any adult, including a staff member, Volunteer, Contractor or any other adult, has committed a sexual offence against a child (who, at the time of the offence, was aged under 16), including a current or former student, you **must** immediately report your concerns to the Victoria Police.

Although sexual offences committed against a child aged under 16 by a student who is themselves aged under 18 do not fall under the Failure to Disclose offence, this must still be reported to Police. Refer to Non-Mandatory Reporting to Police, below.

Non-Mandatory Reporting to Police

Although not required by law to do so, it is the College's policy that the following **must** be reported to Police:

- sexual offences committed by a student under the age of 18 against another person. For more information, refer to Responding to Student Sexual Offending Policy and Procedures.
- concerns for a student's immediate safety. For more information, refer to Responding to an Emergency.
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to Information Sharing with Consent and Information Sharing Without Consent.
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student. For more information, refer to Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures.

How to Report to Police

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000.

- All other matters: call your local police station, the details of which you can find here.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Reporting to Police Policies and Procedures](#).

Reportable Conduct

Victorian law requires the “head” of the College to report to the Commission for Children and Young People (CCYP) any allegation that a College staff member, Volunteer or Contractor has committed reportable conduct or misconduct that may involve reportable conduct (a reportable allegation).

The “head” of the College for the purposes of the Reportable Conduct Scheme is the EREA Executive Director.

The EREA Executive Director has authorised the Principal and, for matter involving the Principal, the EREA Director of Safeguarding to receive internal reports of reportable conduct.

Reportable conduct includes:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
- sexual misconduct committed against, with or in the presence of, a child;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

To enable the “head” of the College to fulfil their obligations, it is the College’s policy that if you form a **reasonable belief** that a staff member, Volunteer or Contractor at the College has engaged in reportable conduct or misconduct that may involve reportable conduct, you **must** immediately report your concerns to the Principal (or the EREA Director of Safeguarding if the allegation involves the Principal).

You should also consider whether you are required to make a Mandatory or Non-Mandatory Report to Child Protection, take any other action or make any other external reports (refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Mandatory Reporting to Child Protection Policy and Procedures](#), [Non-Mandatory Reporting to Child Protection Policy and Procedures](#), [Duty to Protect/Failure to Protect Policy and Procedures](#) and [Reporting to Police Policies and Procedures](#)).

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally Policy and Procedures](#) and [Reportable Conduct Key Definitions and Guiding Information](#).

Reporting Teacher Misconduct to the Victorian Institute of Teaching

Registered teachers in Victoria are exempt from holding a WWC (working with children) clearance. To align teacher registration with the WWC Check, Victorian law requires registered teachers to notify the Victorian Institute of Teaching (VIT) if they are charged with, committed for trial for, or convicted or found guilty of certain criminal offences (that accord with those relevant to the WWC Check) or if they have been issued with a WWC exclusion in relation to the WWC Check.

Victorian law also requires the College to notify the VIT if it becomes aware that a teacher has been charged with, or convicted or found guilty of, these criminal offences or has been given a WWC exclusion.

The College must dismiss or remove from its employment or engagement any teacher who has been convicted or found guilty of these criminal offences or been given a WWC exclusion.

The College must also notify the VIT if the College has taken any action against a registered teacher in response to allegations that raise concerns about the teacher's fitness to teach.

To enable the College to fulfil its obligations, it is the College's policy that:

- **registered teachers must** inform the Principal (or, if they are the Principal, the EREA Director of Safeguarding) if they are charged with, committed for trial for, or convicted or found guilty of a relevant offence or if they have been given a WWC exclusion in relation to a WWC Check
- **all Staff must** immediately report to the Principal (or, if the incident or allegation involves the Principal, to the EREA Director of Safeguarding) any incident or allegation that raises concerns about a teacher's fitness to teach.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#).

Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, harmful or student sexual offending, helps Staff to support the development

of healthy sexuality and protect students from abuse and other harm.

Recognising Sexual Behaviour in Children

It can be hard to distinguish between developmentally appropriate sexual behaviours and concerning or harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

The College references the True Traffic Lights® Framework to enable Staff to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

As a general guide:

- Red light sexual behaviours are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow up support.
- Orange light sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support.
- Green light sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

For more information, refer to Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information.

Responding to Sexual Behaviour in Children

All green, orange and red light behaviours require some form of action and support.

Most red light (harmful) sexual behaviour by a student aged 10 or over that is directed at another person would be considered student sexual offending. Some orange light (concerning) behaviours could also be student sexual offending.

Orange and red light behaviours may therefore require external reporting.

For more information, refer to the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures or, for more detailed guidance, our Responding to Sexual Behaviour in Children Policy and Procedures.

Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that:

- is led by a student aged 10 or over; and
- is directed at another person; and
- amounts to a sexual offence.

It is the College's policy that, when you become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, you **must** report the matter to Police.

This requirement aligns with the requirements of PROTECT [Four Critical Actions for Schools: Responding to Student Sexual Offending](#).

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Responding to Student Sexual Offending Policy and Procedures](#).

Responding to Other Concerns About the Wellbeing of a Student

If you have any concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, your concern should be taken seriously and acted on.

The College and its Staff (including teaching and non-teaching Staff), the Principal, Volunteers, and Contractors owe a duty of care to all students at the College to ensure that they feel safe and are supported at the College.

Concerns about the wellbeing of a student, which do not appear to be the result of abuse or other harm, may still be reported to:

- internally, one of the College's Child Safeguarding Officers
- Victoria Police
- Child Protection
- Child FIRST/the Orange Door

depending on the age of the student and the nature of the concern.

You could also consider whether a referral to a support service may assist.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

Making Additional Reports

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

For more information, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) or, for more detailed guidance, our [Making Additional Reports Policy and Procedures](#).

EREA Policies and Procedures

The Policies and Procedures in this Section of the Child Safeguarding Program

This section of the Child Safeguarding Program links to EREA Policies and Procedures relevant to child safeguarding.

They are:

- [EREA Statement of Commitment to Child Safety](#)
- [EREA Child Safeguarding Standards Framework](#)

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 1
- [Ministerial Order 1359](#), Clause 7
- [National Principles for Child Safe Organisations](#), Principle 1
- [National Catholic Safeguarding Standards](#), Standard 1
- [EREA Child Safeguarding Standards Framework](#), Standards 1 and 11

Approvals and Reviews of the Policies and Procedures in this Section of the Child Safeguarding Program

The EREA Board has approved the policies and procedures in this section of the Child Safeguarding Program.

Minimum Standards Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

Ministerial Order 1359 specifies certain matters in relation to which a registered school, its school boarding premises and their governing authorities must take action to:

- embed a culture of 'no tolerance' for child abuse;
- comply with the Victorian Child Safe Standards; and
- comply with the prescribed minimum standards for registration of schools and school boarding premises.

To meet the requirements of Ministerial Order 1359, the EREA Board has approved the policies and procedures in this section of the Child Safeguarding Program.

These Policies and their Procedures also meet various other obligations under the Victorian Child Safe Standards, the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework.

The Policies and Procedures in this Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding Codes of Conduct Policies and Procedures](#)
 - [Child Safety Code of Conduct Policy and Procedures](#)
 - [Student Child Safeguarding Code of Conduct Policy and Procedures](#)
 - [Email and Internet Usage](#)
- [Child Safeguarding Complaints Management Policy and Procedures](#)
- [Child Safeguarding Roles and Responsibilities Policy](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#)
- [LGBTIQ+ Inclusion Policy and Procedures \(Child Safeguarding\)](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)

- [Working with Children Checks Policy and Procedures](#)
- [WWC Check Procedure for Staff](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)

Approvals and Reviews of the Policies and Procedures in this Section of the Child Safeguarding Program

As required by Ministerial Order 1359, the EREA Board has approved the policies and procedures in this section of the Child Safeguarding Program.

They are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement Policy and Procedures](#).

The EREA Board approves all changes to these policies and procedures that result from a review

Policy administration information, including a record of the initial approval of the relevant policy and procedure in this section, the date of the next scheduled review and the dates of all other reviews and approvals, is set out at the end of each policy and procedure.

Source of Obligation and Related Legislative Instruments

- [Ministerial Order 1359](#)

Child Safeguarding (Safety and Wellbeing) Policy and Procedures

BACKGROUND

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding (Safety and Wellbeing) Policy and Procedures, as set out in the Policy Administration section, below.

PURPOSE

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives.

At St Patrick's College we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child safeguarding, wellbeing, and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

Our Child Safeguarding (Safety and Wellbeing) Policy and Procedures demonstrates the strong commitment of the College to child safety and wellbeing, and to creating and maintaining a child safe and child-friendly environment. It provides an outline of the policies and practices that we have developed to keep our students safe, including from abuse or other harm.

Our Child Safeguarding (Safety and Wellbeing) Policy and Procedures outlines the key elements of our approach to implementing Ministerial Order 1359 (which sets out how the Victorian Child Safe Standards apply in school environments) and to the College as a child safe organisation. It informs the College community about everyone's obligations to act safely and appropriately towards students and guides the policies, processes and practices for the safety, wellbeing and protection of students across all areas of our work, which are set out in the College's Child Safeguarding Program. [1]

The Child Safeguarding (Safety and Wellbeing) Policy and Procedures provides the framework for:

- the implementation of the Victorian Child Safe Standards, [Ministerial Order 1359](#) and the National Catholic Safeguarding Standards
- the implementation of the EREA Child Safeguarding Standards Framework
- the implementation of the EREA Child Safeguarding Policy

- the development of work systems, practices, policies and procedures that promote child protection, safety and wellbeing within the College (based on [PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (PROTECT Four Critical Actions for Schools) and [PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending](#) (Four Critical Actions: Student Sexual Offending))
- the creation of a safe and supportive College environment and a positive and robust child safe culture
- the promotion and open discussion of child safety issues within the College
- compliance with all laws, regulations and standards relevant to child safety and wellbeing, including child protection, in Victoria.

PRINCIPLES

Statement of Commitment to Child Safety

St Patrick's College endorses, implements, and complies with the EREA Statement of Commitment to Child Safety.

St Patrick's College's commitment to child safety is based on the following overarching principles that guide the development and regular review of our work systems, practices, policies, and procedures to protect children from abuse.

1. All children have the right to be safe.
2. The welfare and best interests of the child are paramount.
3. The views of the child and a child's privacy must be respected.
4. Clear expectations for appropriate behaviour with children are established in the Child Safety Code of Conduct.
5. The safety of children is dependent on the existence of a child-safe culture.
6. Child safety awareness is promoted and openly discussed within our College Community.
7. Procedures are in place to screen all staff, external education providers, contractors, and volunteers who have direct contact with children.**
8. Child safety and protection is everyone's responsibility.
9. Child protection training is mandatory for all College EREA Victorian Schools Board members, staff, and volunteers.
10. Procedures for responding to alleged or suspected incidents of child abuse are simple and accessible for all members of the College Community.
11. Children from culturally or linguistically diverse backgrounds have the right to special care and support including those who identify as Aboriginal or Torres Strait Islander.

12. Children who are vulnerable have the right to special care and support.

13. Children who have any kind of disability have the right to special care and support.

Child Safeguarding Standards

In addition to implementing the Victorian Child Safe Standards, as both an EREA College and a Catholic Entity the College commitment to child safety is based on the [EREA Child Safeguarding Standards Framework](#) and the [National Catholic Safeguarding Standards](#), which set out overarching standards and specific requirements that guide the development and regular review of the College's work systems, practices, policies and procedures to protect students from abuse and other harm.

Requiring compliance with these additional Child Safeguarding Standards is one of the strategies employed by the EREA Board to embed a culture of child safety at the College.

St Patrick's College's Child Safeguarding Principles and Values

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

St Patrick's College and the EREA Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

SCOPE

The College's Child Safeguarding (Safety and Wellbeing) Policy and Procedures applies to all "Representatives of the College", as well as to Visitors.

"Representatives of the College" include all Staff (including teachers, administration and education support Staff, tertiary placement students, Boarding School Staff and temporary or casual Staff), pre-service teachers, Volunteers, Contractors (including External Education Providers) and clergy.

Therefore, this Policy and its Procedures applies to all "school staff" and "school boarding premises staff" within the meaning of Ministerial Order 1359, as well as to Volunteers and other people who are associated with the College, such as parents and carers when they are visiting the College or the Boarding School or attending a College or Boarding School event.

This Policy and its Procedures applies in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and

off-site College grounds (e.g. extra-curricular activities such as sports and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

DEFINITIONS

A complete list of definitions of particular terms used in the Child Safeguarding (Safety and Wellbeing) Policy and Procedures can be found in the Child Safeguarding Program Definitions section of our Child Safeguarding Program.

Of particular importance to this Policy and its Procedures are the following key definitions:

“Child”/“Child and Young Person”

The term “child” and the phrase “child and young person” refer to a person who is aged under 18.

“Child Abuse and Other Harm”

The phrase “child abuse and other harm” is not defined in Victorian law. However, various sources of legislation provide a definition of “child abuse” (see the definition of “Child Safety Incident or Concern”, below) as well as other concepts and conduct which, together, provide guidance as to what is child abuse and other harm in Victoria.

For the purposes of this Policy and its Procedures, the phrase “child abuse and other harm” refers to incidents of or concerns about (including concerns about a risk of) physical, sexual, psychological and emotional harm, neglect, grooming and exposure to family violence, regardless of by whom or how this harm occurs.

“Child Safety Incident Or Concern”

St Patrick's College uses the phrase “child safety incident or concern,” which includes, but goes further than, the more limited concept of “child abuse”.

Child safety incidents or concerns can take many forms. These include not only “child abuse” of a child or young person by their parents/carers, but also conduct by other people that can cause harm to a child or young person.

We define “child safety incidents or concerns” as an incident of or concern about:

- “child abuse” as defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWA Act) (and therefore as incorporated into Ministerial Order 1359). The CWA Act defines “child abuse” as:

- a sexual offence against a child
- the criminal offence of grooming, which includes grooming of a child or of a person with care, supervision or responsibility for the child with the intention of facilitating the child being engaged or involved in the commission of a sexual offence
- the infliction, on a child, of physical violence or “serious” emotional or psychological harm
- the “serious” neglect of a child [2]
- a child “in need of protection” as defined in the Child, Youth and Families Act 2005 (Vic) (CYF Act), which includes:
 - abandonment of the child by their parents and no other suitable person can be found who is willing and able to care for the child
 - the child’s parents are dead or incapacitated and no other suitable person can be found who is willing and able to care for the child
 - “significant” harm as a result of physical injury, from which the child’s parents have not or are not likely to protect the child
 - “significant” harm as a result of sexual abuse (including likely future sexual abuse as a result of grooming), from which the child’s parents have not or are not likely to protect the child
 - “significant” emotional or psychological harm, from which the child’s parents have not or are not likely to protect the child
 - “significant” neglect by the child’s parents [3]
- “reportable conduct” as defined in the CWS Act, which means conduct by Staff, Volunteers and Contractors that involves:
 - a sexual offence committed against or in the presence of a child
 - sexual misconduct committed against or in the presence of a child
 - physical violence committed against or in the presence of a child
 - any behaviour that causes “significant” emotional or psychological harm to a child
 - “significant” neglect of a child
- a criminal offence against a child as set out in the Crimes Act 1958 (Vic), such as:
 - sexual penetration or sexual assault of, or sexual activity in the presence of, a child aged under 16 or of a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming a child aged under 16 or a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming an adult who has a child under their care, supervision or authority
 - encouraging of a child aged under 16 or a child aged 16 or 17 under the offender’s care, supervision or authority to be involved in sexual activity

- a practice to change or suppress a child’s sexual orientation or gender identity, which is prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
- a breach of the Child Safety Code of Conduct, such as:
 - a teacher engaging in unauthorised after-hours meetings with a student
 - a Volunteer sports coach engaging in inappropriate online personal communications with a student
 - a Contractor music tutor publishing online photos, movies or recordings of a student without parental/carer consent.

“Child-Related Work”

“Child-related work” is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact;
- face-to-face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, only those Volunteers and Contractors who have direct contact with students are engaged in child-related work for the purposes of Ministerial Order 1359.

****“School Environment”/“School Boarding Environment” ****

The “school environment” includes any of the following physical, online or virtual places, used during or outside school hours:

- a campus of the College
- online or virtual school environments made available or authorised by the EREA Board (or the Principal, on its behalf) for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services)
- other locations provided by the College or through a third-party provider for a child or student to use including, but not limited to, locations used for:
 - camps
 - approved homestay accommodation

- delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school
- sporting events, excursions, competitions or other events.

The “school boarding environment” includes all of the above physical, online or virtual spaces that are made available or authorised by the EREA Board (or the Principal, on its behalf) for a child or student at the Boarding School to use at any time.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing authority
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

The engagement or employment of Staff and Contractors at the College (other than the Principal, Deputy Principal and Director of Human Resources.) is undertaken by St Patrick's College on behalf of the EREA Board.

This means that all Staff as well as Direct Contact Contractors at the College are “school staff” for the purposes of Ministerial Order 1359, no matter their age or the frequency of their engagement.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

The engagement or employment of all Staff and Contractors at the Boarding School is undertaken by St Patrick's College on behalf of the EREA Board.

This means that all Staff, as well as Direct Contact Contractors, at the Boarding School are “school boarding premises staff” for the purposes of Ministerial Order 1359, no matter their age or the frequency of their engagement.

“Staff” / “Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff and Boarding School Staff, including the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and its Procedures and the Child Safeguarding Program.

“Student”

A student is a person who is enrolled at or attends the College and a student at the Boarding School. They may be a child or young person, or they may be an adult aged 18 or over.

“Volunteers” and “Contractors”

A Volunteer is a someone who performs work for the College in a College or Boarding School environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the

College's administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events)

- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are directed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers).

“Visitor”

The term “Visitor” refers to any adult who attends a College or Boarding School event or is in a College or Boarding School environment on a one-off or casual basis. Examples of Visitors include, but are not limited to:

- Casual Volunteers/Contractors
- parents, carers and other adult family members of students, when they are attending College or Boarding School events or in a College or Boarding School environment
- people invited by the College or a staff member to attend a College or Boarding School event or to be in a College or Boarding School environment
- people who attend a College or Boarding School environment for commercial purposes, such as for deliveries or sales purposes.

“External Education Provider”

An external education provider is any organisation that St Patrick's College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College.

The delivery of such a course may take place on College premises or elsewhere.

ROLES AND RESPONSIBILITIES

Child safeguarding is everyone's responsibility. All adults in the College community have a shared responsibility for contributing to the safety, wellbeing and protection of students.

Specific responsibilities include:

1. Trustees of Edmund Rice Education Australia

Trustees of Edmund Rice Education Australia (TEREA) is the proprietor of the College.

2. The EREA Board

The Edmund Rice Education Australia Board (EREA Board), appointed by TERE, is the College's and the Boarding School's "governing authority" for the purposes of Ministerial Order 1359. It has responsibility for EREA's strategic directions, operational policy and risk management frameworks.

It ensures that the College has appropriate processes for receiving and considering information regarding child safety, approves and reviews the College's Child Safeguarding Program to ensure that it has and implements processes to comply with its child safety legal and regulatory obligations, and ensures that the College has ongoing monitoring processes to verify and evaluate the use of the resources allocated to manage child safeguarding obligations within the College.

The EREA Board delegates its functions relating to the operational management and implementation of the College's Child Safeguarding Program to the Principal.

3. The Executive Director of EREA

The Executive Director of EREA (EREA Executive Director) implements the strategy and policies approved by the EREA Board and appoints staff to fulfil the leadership, management and operational structures of EREA.

The EREA Executive Director ensures that the College has appropriate resources to effectively implement its Child Safeguarding Program and that the College meets its obligations and legislative requirements as defined in the EREA Safeguarding Standards Framework.

The EREA Executive Director is the "head of organisation" for the College, for the purposes of the Reportable Conduct Scheme.

4. The Principal

The Principal is responsible, and will be accountable for, the operational management of the College, and the Child Safeguarding Program.

The Principal is responsible for taking all practical measures to ensure that this Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the College's Child Safeguarding Program are implemented effectively and that a strong and sustainable child safe culture is maintained within the College.

5. The EREA Director of Safeguarding

The EREA Director of Safeguarding supports and advises the Principal in relation to relevant child protection legislation and the implementation of the College's Child Safeguarding Program and the EREA Child Safeguarding Standards Framework.

For the purposes of the Reportable Conduct Scheme, the EREA Director of Safeguarding has been authorised, by the EREA Executive Director, to undertake responsibility for reporting and investigating Reportable Allegations that involve the Principal under our Reportable Conduct Policies and Procedures.

6. The EREA Regional Director

The EREA Regional Director supports the College Principal to maintain the highest standards in relation to the safety, wellbeing and protection of children and young people. They ensure that schools promptly report abuse or potential abuse of a child, consistent with PROTECT Four Critical Actions and Four Critical Actions for Schools: Student Sexual Offending, to Police, the EREA Executive Director and EREA Board Chair, the EREA Director of Safeguarding and other relevant authorities.

7. The College EREA Victorian Schools Board

Under the EREA governance structure, the College EREA Victorian Schools Board is responsible for supporting and advising the Principal to ensure consistency and faithfulness to the Charter for Catholic Schools in the Edmund Rice Tradition.

Responsibility for the day-to-day management and implementation of the College's child safeguarding policies and procedures rests with the Principal.

The College EREA Victorian Schools Board advises and supports the Principal in maintaining the College's strategies for safeguarding children and young people.

8. The College's and the Boarding School's Child Safeguarding Officers

A number of senior staff members are nominated as the College's and the Boarding School's Child Safeguarding Officers. Our Child Safeguarding Officers receive additional specialised training with respect to child safety, wellbeing and protection issues.

They are a point of contact for raising child safety concerns within the College and the Boarding School. They are also responsible for championing child safeguarding within the College and the Boarding School and assisting in coordinating responses to child safety incidents.

9. The Senior Child Safeguarding Officer

St Patrick's College has also appointed Deputy Principal-Richard Brodrick as the College's Senior Child Safeguarding Officer. St Patrick's College has appointed Deputy Principal-Richard Brodrick as the Boarding School's Boarding School Senior Child Safeguarding Officer.

They have additional child safeguarding responsibilities, such as being a first point of contact for all child safety concerns or queries for the wider community and coordinating the College's response to child safety incidents in consultation with the Principal and the Principal as well as the EREA Director of Safeguarding.

10. Staff Members

All Staff must comply with this Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safeguarding Codes of Conduct, be familiar with our Child Safeguarding Program and understand their legal obligations with respect to the reporting of child abuse and other harm, and WWC Checks.

All Staff must be aware of key indicators of abuse and other harm, be observant, and raise all child safety incidents and concerns with one of the College's Child Safeguarding Officers.

To meet these obligations, all Staff must:

- participate in child safeguarding induction and ongoing training provided by the College
- always follow the College's child safety and wellbeing policies and procedures in the Child Safeguarding Program
- act in accordance with the Child Safety Code of Conduct
- identify and raise child safety incidents and concerns in accordance with our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, and follow the PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending
- ensure that students' views are taken seriously and their voices are heard when making decisions that affect them
- implement inclusive practices that respond to the diverse needs of students

11. Volunteers and Contractors

All Volunteers and all Contractors at the College are responsible for contributing to the safety, wellbeing and protection of students in the College environment.

To meet these obligations:

- all Volunteers and all Contractors must:

- comply with our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct
- understand their legal obligations with respect to the reporting of child abuse and other harm
- raise all child safety concerns with one of the College's Child Safeguarding Officers
- Direct Contact Volunteers/Contractors must:
 - participate in child safeguarding induction and ongoing training provided by the College
 - be aware of key indicators of child abuse and other harm
- Regular Volunteers/Contractors and Casual Volunteers/Contractors must either:
 - participate in modified child safeguarding induction training; or
 - receive and acknowledge information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct.

For Contractors, the College may include these requirements in the written agreement between it and the Contractor.

12. External Education Providers

All External Education Providers engaged by St Patrick's College are responsible for contributing to the safety, wellbeing and protection of children in the College environment.

All External Education Providers engaged by St Patrick's College are required by the College to be familiar with our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the College Child Safety Code of Conduct Policy and Procedures.

St Patrick's College will include this requirement in the written agreement between it and the External Education Provider.

Contractor Management and Volunteers POLICY

Child Safety Code of Conduct

Our Child Safety Code of Conduct sets boundaries and expectations for appropriate behaviours between Representatives of the College and students, including in physical, online and virtual environments.

We also have a Student Code of Conduct, which includes standards of behaviour for students relevant to child safety and wellbeing.

Together, we refer to these as our Child Safeguarding Codes of Conduct.

Our Child Safeguarding Codes of Conduct include clear processes to report inappropriate behaviour. We publish our Child Safeguarding Codes of Conduct on our public website so that everyone can easily find out what behaviours are acceptable and unacceptable at our College and how to report inappropriate behaviour.

We also provide additional information to students and families about the Child Safeguarding Codes of Conduct, to ensure that they know what behaviours are acceptable and unacceptable and how to report inappropriate behaviour.

Cultural Safety

At St Patrick's College, we are committed to establishing an inclusive and culturally safe College where the strengths of Aboriginal and Torres Strait Islander culture, values and practices are respected.

We think about how every student can have a positive experience in a safe environment. For Aboriginal and Torres Strait Islander students, we recognise the link between culture, identity and safety, and we actively create opportunities for Aboriginal and Torres Strait Islander students, their families and their communities (including local Aboriginal communities relevant to the College) to have a voice and presence in our College's planning, policies, and activities.

The specific strategies that we have adopted to promote cultural safety in our College community are set out in our [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#).

Student Empowerment and Participation

St Patrick's College is a child safe and child-centred organisation, and we work to create an inclusive and supportive environment that encourages students and families to contribute to our approach to child safety wellbeing.

We ensure that our physical, virtual and online environments are friendly and welcoming to all children and young people.

We actively seek to include students in decisions that affect them. This includes decisions about organisational planning, delivery of services, management of facilities, and classroom learning and assessment environments.

We ensure that students know about their rights to safety, information and participation. We actively seek to understand what makes students feel safe in our College and the Boarding School and

regularly communicate with students about what they can do if they feel unsafe.

We recognise the importance of friendships and encourage respectful relationships, strong friendships and support from peers.

The specific strategies that we have adopted to promote the participation of and empowerment of students, and to implement all of the above obligations, are set out in our [Student Participation and Empowerment Policy and Procedures](#).

Parent/Carer, Family and Community Engagement

The College recognises that parents and carers have the primary responsibility for the upbringing and development of their children. We ensure that they have opportunities to participate in decisions affecting their children.

We ensure that families and relevant communities (the variety of communities that are relevant to the College, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and other communities that make up our Staff and student cohort) know about the College's and the Boarding School's operations and policies, including the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safeguarding Codes of Conduct, record keeping practices, risk management, and complaints and investigation processes.

We actively seek to include families and relevant communities in decisions about organisational planning, delivery of services, management of facilities, and learning and assessment environments.

We build cultural safety at the College and the Boarding School through partnerships with Aboriginal and Torres Strait Islander communities, as well as with culturally and linguistically diverse communities that make up our staff and student cohort.

The specific strategies that we have adopted to promote the engagement of parents/carers, families, and relevant communities in child safety and wellbeing at the College, to make information about child safety and wellbeing available and accessible, and to implement all of the above obligations, are set out in our [Family and Community Involvement in Child Safeguarding Policy and Procedures](#).

Diversity and Equity

Our College values diversity and does not tolerate any discriminatory practices. To achieve this, we:

- promote and support the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students and their families

- promote and support the cultural safety, participation and empowerment of students from culturally and/or linguistically diverse backgrounds and their families
- promote the safety of all vulnerable children
- support students with disability and their families and act to promote their participation
- support students and families of diverse sexuality and act to promote their participation
- seek to recruit a workforce that reflects a diversity of cultures, abilities and identities
- ensure that all Staff, Direct Contact Volunteers and Direct Contact Contractors have training about Aboriginal and Torres Strait Islander cultures, disability, culturally and linguistically diverse backgrounds, and communities with particular experiences or needs
- have a physical environment that actively celebrates diverse cultures and recognises cultural difference
- commit to ensuring that our facilities promote the inclusion of students of all abilities.

The specific strategies that we have adopted to promote equity and respect diversity at the College, and to implement all of the above, are set out in the following Policies and Procedures:

- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#)
- [LGBTIQ+ Inclusion Policy and Procedures \(Child Safeguarding\)](#)

Suitable Staff, Volunteers and Contractors/Child Safety Knowledge, Skills and Awareness (Child Safeguarding Human Resources Management)

The specific human resources management strategies that we have adopted at the College to promote child safety and wellbeing are set out in our [Child Safeguarding Recruitment and Screening Policy and Procedures](#), [Working with Children Checks Policy and Procedures](#) and [Child Safeguarding Training and Supervision Policy and Procedures](#). They include the following:

Recruitment and Screening

St Patrick's College applies best practice standards in the recruitment and screening of Staff and relevant Volunteers and Contractors, to engage the most suitable and appropriate people to work with our students. Our practices include:

- requiring all Staff, and relevant Volunteers and Contractors, to maintain a valid VIT Registration or WWC (working with children) clearance and sighting, verifying and recording this information

- ensuring that all Staff, and relevant Volunteers and Contractors, undergo child safeguarding induction, and ongoing education and training
- ensuring that all Staff, and relevant Volunteers and Contractors who engage with students, are provided with regular supervision and performance monitoring by their manager/a senior member of Staff
- ensuring that professional development programs for Staff include child safeguarding education and training programs.

Training on and Information About Child Safeguarding

As a part of St Patrick's College's induction process, all Staff and Boarding School Staff, as well as relevant Volunteers and Contractors, must complete induction in our child safeguarding policies, practices and procedures. All Staff, as well as relevant Volunteers and Contractors, also receive refresher and ongoing child safeguarding training at least annually.

Our child safeguarding induction and ongoing training program includes information about:

- this Child Safeguarding (Safety and Wellbeing) Policy and Procedures
- the Child Safeguarding Codes of Conduct
- recognising child abuse and other harm and identifying key indicators
- the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, which includes our policies and procedures for responding to and reporting child safety incidents or concerns (such as mandatory reporting, reporting to police and reportable conduct obligations)
- our policies and procedures for information sharing and record keeping about child safety incidents and concerns
- WWC clearances and other child safety and wellbeing human resources practices.

The College provides all Visitors to the College and the Boarding School, including Casual Volunteers and Casual Contractors, with information about the Child Safety Code of Conduct and how to report child safety incidents or concerns to the College and to relevant external authorities.

Supervision and Support

Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors are supported and supervised by the College's Child Safeguarding Officers and Principal to ensure that they are compliant with the College's approach to child safety.

Complaints and Reporting Processes: The College's Response to Child Safety Incidents or Concerns

St Patrick's College fosters a culture that encourages everyone in the College community to raise concerns and complaints about child safety and wellbeing. Our processes for raising complaints and concerns, and the procedures that all Staff, Volunteers and Contractors must follow whenever they witness, suspect or receive a complaint about a child safety incident or concern involving a student, a staff member, a Volunteer, a Contractor or the College, are set out in the **Procedures**, below.

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm, when these are reported to the College, whether by Representatives of the College, students, parents/carers or anyone else.

The College's response will include:

- reporting all matters that meet the required relevant thresholds externally to the Department of Families, Fairness and Housing (DFFH Child Protection) (Mandatory Reports), the Police (Child Sexual Abuse), the CCYP, and/or the Victorian Institute of Teaching (Reportable Conduct), depending on the issues raised and consistent with PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending
- reporting internally to EREA all matters that required reporting to an external agency
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with disability, and other vulnerable students (such as a student who is unable to live at home or a student who identifies as lesbian gay, bisexual, transgender or intersex)
- sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme
- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

Child Safeguarding Risk Management

EREA and St Patrick's College recognise the importance of a risk management approach to child safeguarding and to minimising the risk of harm to children and young people in all College and

Boarding School environments.

We identify, assess and manage child safety risks in all College and Boarding School environments, based on a range of factors including the nature of our College's activities, physical and online environments and the characteristics of the student body, through our Risk Management Program. We use this information to inform our policies, procedures and activity planning.

We record identified risks to child safety and wellbeing in our Child Safeguarding Risk Register, along with the actions in place at the College to manage these risks. The EREA Board, the Principal and the Principal monitor and evaluate the effectiveness of these actions at least annually.

Child Safeguarding Record Keeping

The College is committed to best practice record keeping.

All internal and external reports of child safety incidents and concerns, as well as any other responses by the College are recorded using [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#).

All incidents and external reports of student sexual offending, as well as any other responses by the College, are recorded using [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#).

When keeping records of child safety incidents or concerns, the College maintains confidentiality and privacy for students and families in accordance with federal and state privacy legislation.

Child Safeguarding Program and Practice Review and Improvement

St Patrick's College is committed to the continuous improvement of policies and procedures making up our entire Child Safeguarding Program and of our child safety and wellbeing practices. The Program as a whole is reviewed every two years (or earlier if a significant child safety incident occurs at the College or legislation changes) for overall effectiveness and to ensure compliance with relevant child safety, wellbeing and protection related laws, regulations and standards.

When undertaking these reviews, the College:

- actively seeks, actions, and incorporates feedback from students, families, the wider College and Boarding School community, Staff, Volunteers and Contractors
- analyses any complaints, concerns and child safety incidents that may have occurred

- communicates any learnings, adjustments or amendments to policy and practice widely throughout the College community.

PROCEDURES

Reporting Child Safety Incidents or Concerns to the College

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

Staff

Our Child Safeguarding Program provides detailed guidance for ***Staff, Volunteers and Contractors*** on how to identify key indicators of child abuse and other harm and how to report child safety incidents or concerns internally at the College. These reports can be made to a Child Safeguarding Officer or the Principal.

Where the incident or concern involves the Principal, internal reports should instead be made to the EREA Regional Director or EREA Director of Safeguarding via the EREA National Office (03 9426 3200 or safeguarding@erea.edu.au).

Our Child Safeguarding Program also contains detailed guidance for Staff, Volunteers and Contractors about when and how to report child safety incidents or concerns to relevant external authorities.

We recognise that some individuals, particularly children, face additional vulnerabilities to child abuse and other harm, as well as additional barriers to disclosing child safety incidents or concerns. Our Child Safeguarding Program provides guidance on identifying additional vulnerabilities and barriers, and contains strategies for supporting these individuals to participate in the School community and enabling them to disclose child safety incidents or concerns to the School.

For more information, refer to St Patrick's College's [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#).

Students, Parents/Carers and Community Members

Students at the College are provided with information about and encouraged to use multiple pathways to raise child safety incidents or concerns about or at the College or the Boarding School. These are explained in our Child Safeguarding Complaints Management Policy and Procedures

(available Policy Connect) and include informal and formal ways, an 'anonymous' way, and through external child advocacy or child safety organisations.

Parents/carers, family members and other community members who have child safety concerns or who suspect that a child or young person associated with the College may be subject to abuse or other harm can contact:

- the College's Senior Child Safeguarding Officer by phoning 03 5322 4408 / 0409 214 177 or emailing rbrodrick@stpats.vic.edu.au
- the Boarding School Senior Child Safeguarding Officer by phoning **03 5322 4408 / 0409 214 177** or emailing **rbrodrick@stpats.vic.edu.au**
- the Principal or, if the concern relates to the Principal, the EREA Director of Safeguarding via the EREA National Office (03 9426 3200).

Students, parents/carers, family members and other community members can also raise child safety incidents or concerns through the [EREA Complaints Handling Policy](#).

Any person can also contact the Senior Child Safeguarding Officer, the Principal, or the EREA Director of Safeguarding if they have concerns regarding the College's leadership in relation to child safety.

Communications will be treated confidentially on a 'need to know basis'.

The College's Response to and External Reporting of Child Safety Incidents or Concerns

St Patrick's College's [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) sets out the procedures, consistent with PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending, that the College will follow when notified of any child safety incident or concern involving a student, staff member, Volunteer, Contractor, Visitor or any other person connected to the College, the Boarding School or the College or Boarding School environment.

It also provides guidance for all Representatives of the College on their obligations to respond to and report, to relevant external authorities, child safety incidents and concerns.

These include:

- mandatory reporting to Department of Families, Fairness and Housing (DFFH Child Protection) of children who are "in need of protection" due to physical and sexual abuse
- reporting all other forms of child abuse and harm to Department of Families, Fairness and Housing (DFFH Child Protection)
- mandatory reporting of sexual offences against children to Police

- reporting to Police in other situations where a student has been or is being harmed
- reporting incidents of or allegations about “reportable conduct” by Staff, Volunteers and Contractors, and the College’s investigation outcomes, to the CCYP
- reporting teacher misconduct to the Victorian Institute of Teaching (VIT)
- mandatory reporting to Edmund rice Australia (EREA)
- mandatory reporting to Diocese of Ballarat Catholic Education limited (DOBCEL)
- mandatory reporting to catholic education Commission of Victoria Ltd. (CECV)

Support for Students, Families and Staff Following a Child Safety Incident or Disclosure

The College will work closely with the student, parents and carers, and our wellbeing team to provide all available support services that are available. The College employs a range of measures to support students affected by a child safety incident or concern, depending on the particular circumstances of the matter and of the student and their family:

- Child Safeguarding Officers may work with the student and their family to develop a Student Support Plan.
- support strategies that could be considered for students and/or their families might include referrals to internal or external support, such as the College counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.
- Students in focus Team (SIFT) will oversee the wellbeing support plan
- This may include accessing the:
 - Re-engagement Centre
 - Learning support
 - regular check ins with Year Level Coordinators/Director of School

The College also offers similar support to former students who disclose historical child safety incidents or concerns from their time at the College.

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for Staff, Volunteers and Contractors involved. The College assists impacted Staff, Volunteers and Contractors to access necessary support.

Embedding a Culture of Child Safety: Our Child Safeguarding Program

Our Child Safeguarding Program is one of the strategies employed by St Patrick’s College to embed a culture of child safety and wellbeing at the College.

Our Child Safeguarding Program relates to all aspects of child safety and protecting children from abuse and establishes work systems, practices, policies and procedures to create and maintain a child safe environment and culture at the College and the Boarding School. It includes:

- Child Safeguarding Codes of Conduct
- clear information as to what is child abuse and other harm and associated key indicators of child abuse and other harm
- clear procedures for responding to and reporting child safety incidents or concerns internally to one of the College's Child Safeguarding Officer or Principal, and for responding to incidents or allegations of child abuse or other harm
- strategies to support, encourage and enable Representatives of the College, parents/carers and students to understand, identify, discuss and report child safety matters
- procedures for recruiting and screening members of the Principal, Staff, Boarding School Staff, Volunteers and Contractors
- procedures for reporting, consistent with PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending, to external agencies, including Mandatory Reporting to the Department of Families, Fairness and Housing (Child Protection), Reportable Conduct to the Commission for Children and Young People (CCYP) and Reporting Child Sexual Abuse to Police
- pastoral care strategies designed to empower students and keep them safe
- strategies to support and encourage the participation and inclusion of Aboriginal and Torres Strait Islander students, students from culturally and linguistically diverse backgrounds and students with disability
- child safeguarding training
- information regarding the steps to take after a disclosure of abuse or other harm to protect, support and assist children
- guidelines with respect to record keeping and confidentiality
- policies to ensure compliance with all relevant laws, regulations and standards (including the Victorian Child Safe Standards, the EREA Child Safeguarding Standards and the National Catholic Safeguarding Standards)
- a system for continuous review and improvement.

IMPLEMENTATION

The Child Safeguarding (Safety and Wellbeing) Policy and Procedures are published on our College's public website.

They are provided to new Staff, to Direct Contact and Regular Volunteers and to Direct Contact and Regular Contractors at their induction. Training about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and its Procedures are also included in annual refresher training for Staff and relevant Volunteers and Contractors.

All Visitors to the College, including Casual Volunteers and Casual Contractors, are provided with information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and its Procedures, the Child Safety Code of Conduct and how to report child safety incidents or concerns to the College and to relevant external authorities, through Signing in at Reception via Passtab, posters on college noticeboards and directed to college website..

This Policy and its Procedures are also communicated to Staff, Volunteers, Contractors and other members of the College community through other mediums such as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

A child-friendly version of St Patrick's College's Child Safeguarding (Safety and Wellbeing) Policy and Procedures and our Statement of Commitment to Child Safety is provided to all students and can be found [Child-Safety-Policy-Student-Version-2.pdf \(stpats.vic.edu.au\)](#).

BREACH OF THIS POLICY AND PROCEDURES

St Patrick's College enforces the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safeguarding Codes of Conduct. The Policy Owner monitors compliance with this Policy and its Procedures.

In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

All breaches and near misses related to this Policy should be reported as a Compliance Breach in Assurance by the College's Risk Manager and monitored by the EREA Director of Risk & Compliance.

Risks identified related to the implementation of this Policy and its Procedures are reported to the Policy Owner for review, to support continuous improvement.

POLICY REVIEW

A review of this Child Safeguarding (Safety and Wellbeing) Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA AND ST PATRICK'S COLLEGE BALLARAT POLICY AND PROCEDURES LINKAGES

The Child Safeguarding (Safety and Wellbeing) Policy and Procedures are to be read and understood in conjunction with the:

- [EREA Child Safeguarding Policy](#)
- [EREA Statement of Commitment to Child Safety](#)
- [EREA Complaints Handling Policy](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding Complaints Management Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#)
- [LGBTIQ+ Inclusion Policy and Procedures \(Child Safeguarding\)](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Boarder Child Safeguarding](#)

SOURCE OF OBLIGATION AND RELATED LEGISLATIVE INSTRUMENTS

The Child Safeguarding (Safety and Wellbeing) Policy and Procedures implement the:

- [Victorian Child Safe Standards](#), Standard 2
- [Ministerial Order 1359](#), Clause 6
- [EREA Child Safeguarding Standards Framework](#), Standard 1
- [National Catholic Safeguarding Standards](#), Standard 1.

RELATED FORMS AND DOCUMENTS

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#)
- [PROTECT-Responding to Suspected Child Abuse: A Template for all Victoria Schools](#)

REFERENCES AND RESOURCES

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

POLICY ADMINISTRATION

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
Approval Date	20 June 2022
Version Number	2

Version History	Replaces previous policy for MO870
Review Frequency	2 years
Next Review Date	June 2024
Document Classification	V-CS01
Risk Rating	High
Location	PolicyConnect

[1] *The “Child Safeguarding Program” is the name given to the full collection of policies and procedures that assist the College to be a child safe organisation and to meet the requirements of the Victorian Child Safe Standards, Ministerial Order 1359 and – as a Catholic entity – the National Catholic Safeguarding Standards. It includes policies and procedures for:*

- *responding to and reporting child safety incidents and concerns*
- *child safe human resources management (including WWC clearances)*
- *participation and empowerment of students*
- *informing and involving families and relevant communities in child safeguarding issues*
- *equity and diversity*
- *child safeguarding risk management strategies*
- *strategies for embedding a culture of child safety at the College and*
- *regular reviews and continuous improvement of child safeguarding policies, procedures and practices.*

[2] *“Serious” harm/neglect is harm that has a lasting permanent effect.*

[3] *“Significant” harm/neglect harm is harm that is more than trivial or insignificant, but need not be as high as “serious” and need not have a lasting permanent effect.*

Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's governing authority, has approved the College's Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures as set out in the Policy Administration section, below.

Statement of Commitment

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe, and can actively participate in decisions that affect their lives.

At St Patrick's College, we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child, safety, wellbeing and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

Purpose

This policy demonstrates the strong commitment of the College to the care, safety, and wellbeing of all children within our college community. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in the College environment, on campus, online and in other locations provided by the College.

This policy is in accord with the EREA Charter and Touchstones. 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. 1359. This policy acknowledges the obligations in respect of the EREA Child Safeguarding Standards.

This policy applies to all College staff, including employees, clergy, Board members, volunteers, and contractors.

Our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures demonstrates the strong commitment of the College to child safety, and provide an outline of the policies and practices that we have developed to keep our students safe, including from abuse or other harm.

This overarching Policy and its Procedures provide the key elements on which the College's full set of policies and procedures for recognising, responding to and reporting child safety incidents or concerns (included in the College's Child Safeguarding Program) [1] are based.

This Policy and its Procedures assist St Patrick's College and its Staff (which includes Volunteers, Contractors, other service providers and religious leaders including clergy) to:

- identify indicators of a child or young person being (or at risk of being) "abused," "otherwise harmed", "in need of protection", or subjected to "Reportable Conduct"
- understand how to tell the College about students in these situations, and take action to protect and support the student and others who may be impacted
- comply with the College's organisational duty of care and their own duty to protect students (including obligations under the Failure to Protect offence)
- comply with their obligations (under the law and under College policy) to report child safety incidents or concerns to relevant external authorities, including:
 - mandatory reporting of physical and sexual abuse to the Department of Families, Fairness and Housing (DFFH Child Protection)
 - mandatory reporting of sexual offences against children (including grooming) to Police
- comply with their obligations under the Victorian Reportable Conduct Scheme
- comply with other laws, regulations, and relevant standards relating to recognising, reporting and responding to child safety incidents or concerns, including in particular Ministerial Order 1359.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

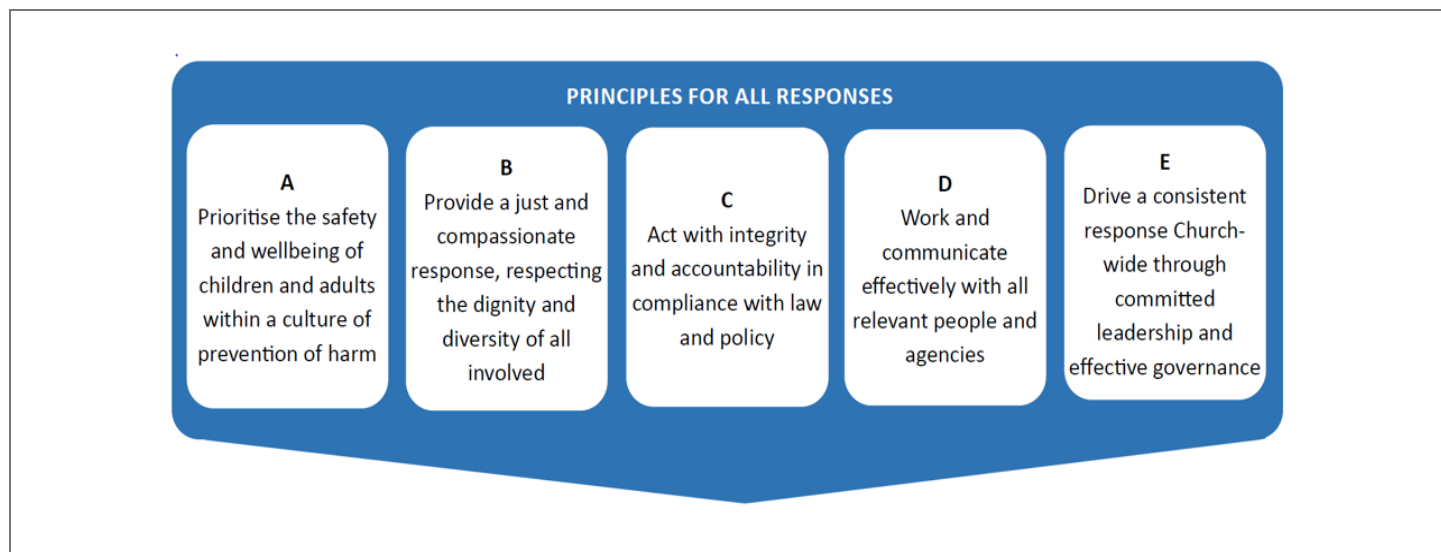
The EREA Board and every person involved in St Patrick's College have a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people are at the forefront of all they do and every decision they make.

Protection for children and young people is based on 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 children and young people, in partnership with parents and carers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of children and young people.

All of the College's policies and procedures for recognising, reporting and responding to child safety incidents or concerns are designed and implemented to be inclusive of the diverse characteristics of the College community.

These Principles are consistent with those articulated by the Australian Catholic Bishops in their document *The National Response Protocols*:



Scope

This Policy and its Procedures apply to all "Representatives of the College".

Representatives of the College include all staff members (including teachers, administration and education support Staff, and temporary or casual Staff), pre-service teachers, all Volunteers (including College EREA Victorian Schools Board members), all Contractors (including external education providers) and clergy.

Therefore, this Policy and its Procedures apply to all “school staff” and “school boarding premises staff” within the meaning of Ministerial Order 1359 as well as to Volunteers.

This Policy and its Procedures apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sports and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Fulfilling the roles and responsibilities contained in this Policy and its Procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Definitions

Definitions of particular terms used in the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedure can be found in the [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

Of particular importance to this Policy and its Procedures are the following key definitions:

Child safety incident or concern

This Policy and its Procedures (and the College’s Child Safeguarding Program) use the phrase “child safety incident or concern” rather than the more limited concept of “child abuse”.

Child safety incidents or concerns can take many forms. These include not only “abuse” of a child or young person by their parents/carers, but also conduct by other people that can cause harm to a child or young person. The perpetrator may be a parent, carer, staff member, Volunteer, Contractor, another adult or even another child or young person.

At the College, we define “child safety incidents or concerns” as:

- incidents of or concerns about **child abuse** as defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act)

- incidents of or concerns about **other harm**, defined below
- incidents of or concerns about **Reportable Conduct** as defined in the CWS Act
- incidents of or concerns about a breach of the Child Safety Code of Conduct by Staff, Volunteers and Contractors, no matter how minor the breach
- incidents of or concerns about **child abuse or other harm** of a student by another student or by another person while at the College or a College event.

Definitions of all of the above terms are set out in the Additional Definitions section below.

Additional Definitions

The nature of child abuse and other harm is complex. The abuse/harm may occur over time and potential indicators are often difficult to detect.

For definitions of all of the different types of child abuse and other harm, a comprehensive list of the indicators of these types of harm, and advice on identifying perpetrators of child sexual abuse, refer to the protocol [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

“Child Abuse”

Child abuse is defined in the CWS Act as:

- any act committed against a child involving:
 - a sexual offence [2]; or
 - a grooming offence under section 49M(1) of the Crimes Act 1958 (Vic) [3]
- the infliction, on a child, of—
 - physical violence; or
 - “serious” emotional or psychological harm
- the “serious” neglect of a child [4].

“Other Harm”

Because the definition of “child abuse” in the CWS Act is quite limited, reference to other kinds of harm to children and young people, that must be reported internally to the College and that must be responded to in accordance with this Policy and its Procedures, is required.

Other harm includes:

- children and young people who may be “in need of protection”, as set out in the Children, Youth and Families Act 2005 (Vic) (CYF Act) [5]

- children and young people who may be “in need of therapeutic treatment for sexually abusive behaviours,” as set out in the CYF Act
- other situations in which there are significant concerns for the wellbeing of a child or young person such that a report should be made to DFFH Child Protection under the CYF Act or to Child FIRST/the Orange Door
- children and young people who may be subjected to sexual orientation or gender identity change or suppression practices, which are prohibited by the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic).

“Reportable Conduct”

Reportable Conduct is defined in the CWS Act to include:

- a sexual offence or sexual misconduct committed against, with or in the presence of, a child (it does not matter whether or not a criminal proceeding in relation to the offence has been commenced or concluded)
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes “significant” emotional or psychological harm to a child
- “significant” neglect of a child. [6]

It does not matter whether the Reportable Conduct is alleged to have occurred in the course of the employee’s engagement by the College.

It does not matter whether the child is a student at the College.

“Child Abuse and Other Harm”

We refer to all of above definitions and concepts relevant to “child abuse” and “other harm” to a child or young person, that are set out in the multiple Victorian child safety, wellbeing and protection laws, as “child abuse and other harm”.

Child abuse and other harm therefore includes:

- sexual offences and sexual abuse
- grooming behaviours, grooming offences and encouragement offences*
- physical violence and physical abuse
- serious/significant emotional or psychological harm (including by exposure to family violence)**
- serious/significant neglect

- being subjected to a sexual orientation or gender identity change or suppression practice.***

***Grooming** is defined as behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintain the child's silence and avoiding discovery of the sexual abuse.

Grooming of a child aged under 16, or of an adult with care, supervision or authority for the child, by an adult for sexual conduct with the child is a crime under section 49M of the Crimes Act 1558 (Vic).

****Family violence** is defined under the Family Violence Protection Act 2008 (Vic) to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour.

While exposure to family violence is not specifically included in the definition of "child abuse" in the ETR Act or the CWS Act, or in the grounds for a child being "in need of protection" under the CYF Act, it can cause serious or significant emotional or psychological harm to a child. Exposure to family violence is therefore included as "child abuse and other harm".

*****Change or suppression practices** are defined in the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic) as practices or conduct directed towards a person (whether with or without the person's consent) on the basis of the person's sexual orientation or gender identity and for the purpose of changing (or inducing the person to change) their sexual orientation or gender identity. Change or suppression practices can include:

- psychiatry or psychotherapy consultations, treatment or therapy
- religious practices, including but not limited to prayer based, deliverance or exorcism practices
- giving a person a referral of the purposes of a change or suppression practice being directed towards the person.

Roles and Responsibilities

Roles and responsibilities relevant to child safeguarding at the College in general are set out in the College's **Child Safeguarding (Safety and Wellbeing) Policy and Procedures**, available on our public website.

The following roles have additional responsibilities under this Policy and its Procedures:

- all Representatives of the College are responsible for understanding and complying with their general duty of care towards all students

- all Representatives of the College are responsible for understanding their internal and external reporting requirements and for complying with this Policy and its Procedures
- the College’s Child Safeguarding Officers, listed below, and the Principal are responsible for:
 - receiving internal reports
 - providing assistance and advice to Representatives of the College about their obligations under this Policy and its Procedures
 - ensuring that all child safety incidents or concerns, including those that occur at or involve the College or that involve Representatives of the College, are taken seriously, escalated, reported and responded to
 - managing the College’s response
 - monitoring the College’s compliance with this Policy and its Procedures
- where a particular child safety incident or concern involves the Principal, the EREA Director of Safeguarding undertakes these responsibilities.
- the EREA Board is the College’s and the Boarding School’s “governing authority” for the purposes of Ministerial Order 1359, and is responsible for approving this Policy and its Procedures.

Our Child Safeguarding Officers are:

Name	Position	Contact No.	Email Address
Steven O'Connor	Principal	03 5322 4412 0427 431 617	soconnor@stpats.vic.edu.au
Richard Brodrick	Deputy Principal	03 5322 4408 0409 214	rbrodrick@stpats.vic.edu.au

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Kevin Robillard	Assistant Principal- Pastoral Care & Wellbeing	03 5322 4350 0450 781 638	krobillard@stpats.vic.edu.au
Tom Ferguson	Assistant Principal-Staff & Culture	03 5322 4479 0400 187 511	tferguson@stpats.vic.edu.au
Carol Roberts	Assistant Principal- Learning Innovation	03 5322 4432 0419 362 458	caroberts@stpats.vic.edu.au
Geoff Brodie	Assistant Principal- Mission & Identity	03 5322 4326 0437 753 332	gbrodie@stpats.vic.edu.au
Members of the			2022WellbeingLeadershipTeam@S

Wellbeing Leadership Team			PCBallarat.onmicrosoft.com
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Additional responsibilities relevant to specific responding and reporting obligations are set out in the relevant sections of this Policy and its Procedures.

St Patrick's College's Policy

The Four Critical Actions/Four Critical Actions: Student Sexual Offending

It is the EREA Board's policy that all EREA schools in Victoria **must** display the **PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse** diagram (Four Critical Actions) (Appendix 1) and the **PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending** (Student Sexual Offending Four Critical Actions) (Appendix 2) in staffrooms and other strategic areas of the College to ensure that all Representatives are aware of the actions to take as soon as they witness a child safety incident or develop a child safety concern, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused or harmed.

Duty of Care

All Representatives of the College must understand their role to keep children and young people safe. In particular, Staff and Volunteers have an obligation to avoid acts or omissions (failures) that could be reasonably foreseen to injure or harm students.

As part of this duty of care, **all Representatives of the College must** report situations that may result in reasonably foreseeable risks of any kind of harm to students (including risks of child abuse and other harm) internally to the Principal or a Child Safeguarding Officer and externally to relevant authorities.

Representatives' Response to Child Safety Incidents or Concerns

Representatives of the College must follow the Four Critical Actions and Student Sexual Offending Four Critical Actions.

As required by the Four Critical Actions and the Student Sexual Offending Four Critical Actions, **all Representatives of the College must:**

- meet their legal obligations to protect students from harm, and take action in response to any emergency situations involving child safety incidents or concerns, (including those that occur at the College or College events)
- report any and all child safety incidents or concerns involving our students to the College (including incidents or concerns that involve students aged 18 or over)
- make any and all reports to external authorities that are required by law or by the Four Critical Actions/Student Sexual Offending Four Critical Actions or College policy (these are explained further in the **Procedures** section, below)
- provide ongoing support to affected students and Representatives of the College.

Reporting internally to or consulting with a Child Safeguarding Officer or the Principal, does not change any obligation under legislation to report to an external authority.

All Representatives of the College must make reports to the relevant external authority if they form the required belief about the matter, even if the person they reported to internally at the College does not share that belief.

The College's Response to Internal Reports

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm, when these are reported to the College, whether by Representatives, students, parents/carers or anyone else.

The College's response will include the College:

- reporting all matters that meet the required relevant thresholds externally to DFFH Child Protection, the Police, the CCYP, and/or the Victorian Institute of Teaching, depending on the issues raised
- reporting internally to EREA all matters that required reporting to an external agency
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with disability, and other vulnerable students (such as students who are unable to live at home or students who identify as lesbian gay, bisexual, transgender or intersex)
- sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence

Information Sharing Scheme

- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

Procedures

There are a number of legal obligations that the College and Representatives of the College must follow when responding to child safety incidents or concerns. In addition to these legal obligations, the College also requires Representatives of the College to respond to and to report certain child safety incidents and concerns to external authorities in situations where this is not required by law.

These legal and policy-based obligations, and their procedures, align with the Four Critical Actions/Student Sexual Offending Four Critical Actions and are summarised below.

1. Critical Action One: Respond to Emergencies

1.1 Becoming aware of a child safety incident or concern

Representatives of the College may become aware of a child safety incident or concern through:

- witnessing a child safety incident
- observing:
 - key indicators of child abuse or other harm in a child or young person
 - conduct towards a child or young person by an adult that breaches the Child Safety Code of Conduct (if the adult is associated with the College) or is otherwise indicative of child abuse or other harm
- being told about a child safety incident by the child or young person themselves (a disclosure), directly or indirectly through assignments, artwork or other means
- being told about a child safety incident or concern by a third party, such as a friend, parent/carer, other family member or other person (including as part of complaint)
- being told, by a former student, about a historical child safety incident that occurred at or involved the College or its Staff, Volunteers or Contractors, (including as part of a complaint).

For guidance on how to manage each of these situations, refer to the protocol [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#) and the College's Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures.

1.2 Responding to an Emergency

If a student has just been or is at immediate risk of being harmed, **all Representatives of the College must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns
- briefing the Senior Child Safeguarding Officer to be the future liaison with the Police on the matter.

When a child safety incident occurs at the College or at a College event, **all Representatives of the College must** preserve evidence of the incident, if it is safe to do so, by:

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

1.3 Failure to Protect/Duty to Protect

In Victoria, it is a crime if a person who occupies a position within or in relation to the College:

- knows that there is a substantial risk that:
 - a child (aged under 16) who is under the care, supervision or authority of the College;
 - will become a victim of a sexual offence committed by an adult associated with the College; and
- has, by reason of their position, the power or responsibility to reduce or remove that risk; and
- negligently fails to reduce or remove that risk.

This criminal offence is known as “Failure to Protect” and, in the College context, it covers failures to protect a student aged under 16 from sexual abuse by Representatives of the College who are adults (students aged 18 or over and parents/carers are not “adults associated with the College” for the purposes of the Failure to Protect Offence).

The College also has a common law duty to protect **all** students from reasonably foreseeable risks of harm, including risks of **all** types of child abuse or other harm that may arise from **all** people associated with the College (including Representatives, students aged 18 or over, parents/carers and other family members of students).

To help Representatives meet both their Failure to Protect and Duty to Protect obligations, the College requires that:

1. if a **Representative of the College** knows that:

- **any** adult associated with the College (including Staff, Volunteers, Contractors, students aged 18 or over, parents/carers and other family members of students)
- poses a substantial risk of sexually abusing a student or a reasonably foreseeable risk of any form of child abuse or other harm to a student

2. they **must**:

- take any actions to reduce or remove that risk that are within their power or responsibilities to take
- report the matter to the Principal (or, if the adult who poses the risk is the Principal, to the EREA Director of Safeguarding through the EREA National Office (03 9426 3220 or safeguarding@erea.edu.au))
- follow their obligations to make appropriate external reports as listed below.

Actions that could be taken to protect students include, but are not limited to:

- immediately removing the person from contact with students
- ensuring that the person is not left alone with a student
- if the person is a parent, not allowing them to act as a parent volunteer or to attend College events.

2. Critical Action Two: Report (Internally and to Authorities)

2.1 Internal Reporting of Child Safety Incident or Concerns

The College requires that **all Representatives of the College must** report any and all child safety incidents or concerns involving our students (including those involving students aged 18 or over) to a Child Safeguarding Officer or the Principal.

Contact details for our Child Safeguarding Officer are set out in the **Responsibilities** section, above.

College EREA Victorian Schools Board members must make any internal reports directly to the Principal. The Principal must advise the EREA Victorian Schools Board member, in writing, of the actions that the College has taken or will take in response to their report within three business days after receiving the report.

If a matter involves the Principal, the internal report must instead be made to the EREA Director of Safeguarding, through the EREA National Office (03 9426 3200 or safeguarding@erea.edu.au).

2.2 Mandatory Reporting to DFFH Child Protection

Although everyone has a moral and social responsibility to report concerns about child abuse or other harm, some professionals are legally required to make a report to DFFH Child Protection in certain circumstances.

DFFH Child Protection has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18.

The main functions of DFFH Child Protection are to:

- receive reports from people who believe that a child is in need of protection or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where it is believed that a child is at risk of significant harm
- refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.

Who are Mandatory Reporters at the College?

At the College, the following people are Mandatory Reporters:

- teachers
- the Principal
- medical practitioners
- nurses
- school counsellors
- registered psychologists
- early childhood workers
- persons in religious ministry.

Representatives of the College in the above categories are Mandatory Reporters regardless of whether they are engaged by the College as a staff member, Volunteer or Contractor.

When must a Mandatory Report be made?

A Mandatory Report must be made if – during the course of their professional work or carrying out duties of their office, position or employment – a Mandatory Reporter:

- forms a belief on reasonable grounds,
- that a child who is aged under 17 (or who is aged 17 but is under a child protection order) is “in need of protection” because:
 - the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse; and
 - the child’s parents have not protected or are unlikely (including if they are unable) to protect the child from the harm.

Mandatory Reporters must make their report to DFFH Child Protection “as soon as practicable” after forming their belief on reasonable grounds.

What is a belief on reasonable grounds?

The concept of a “belief on reasonable grounds” requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It is a low threshold.

You may have a belief on reasonable grounds, such that a Mandatory Report should be made, if:

- you witness the physical or sexual abuse of a child
- a child tells you that they have been physically or sexually abused
- a child tells you that they know someone who has been physically or sexually abused
- someone who knows the child tells you that the child has been physically or sexually abused
- a child shows physical or behavioural signs of being physically or sexually abused.

How to Make a Mandatory Report

Mandatory Reports can be made either to DFFH Child Protection or to the Police.

If you have contacted the Police, either as a result of **Responding to an Emergency** above or **Reporting to Police** below, then you have made your Mandatory Report.

If you have not contacted Police, you must report to DFFH Child Protection. You must do this by:

- during business hours (8:45am-5:00pm, Monday to Friday), telephoning the DFFH Child Protection intake service for the local government area where the child resides, listed [here](#).
- after hours, telephoning DFFH Child Protection on **13 12 78**.

Mandatory Reporting and Other External Reports

Melbourne Archdiocese Catholic Schools (MACS)

Where the College is aware of or makes a Mandatory Report, the information in the report must also be provided to MACS where the source of the abuse or other harm comes from within the College or within the child's family or community, by contacting the MACS Student Wellbeing Information Line (03 9267 0228).

Overseas Students

Where the College is aware of or makes a Mandatory Report, the College must also notify the VRQA if the alleged abuse or other harm relates to an overseas student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student, thereby assuming responsibility for approving the student's accommodation, support and general welfare.

2.3 Non-Mandatory Reporting to DFFH Child Protection

Under the law, **anyone** can report the following to DFFH Child Protection:

- significant concerns for the wellbeing of a child aged under 17 (wellbeing reports)**
- a child aged under 17 who the person believes on reasonable grounds to be in need of protection (protective intervention reports)
- a child aged under 18 who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours (therapeutic treatment reports).

**For example, persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development.

We refer to these reports as "Non-Mandatory Reports to DFFH Child Protection".

All of these reports are voluntary under the law. This means that all Staff, students, parents/carers, external education providers, Contractors, Volunteers or other community members who have

concerns that a child may be subject to abuse or other harm can report to DFFH Child Protection, or they can contact one of the College's Child Safeguarding Officers, listed above.

However, the Four Critical Actions/Student Sexual Offending Four Critical Actions require that **Representatives who are staff members(including those who are not Mandatory Reporters)must** make wellbeing reports, protective intervention reports and therapeutic treatment reports to DFFH Child Protection (or, in some circumstances, to the Police or Child FIRST/the Orange Door**).

Therefore, it is the College's policy that **Representatives who are staff members must** make wellbeing reports, protective intervention reports and therapeutic treatment reports to either DFFH Child Protection, the Police or Child FIRST/the Orange Door.**

For guidance on the different kinds of Non-Mandatory Reports and when to report/who to report to/how to report, refer to the protocol [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#) and the College's **Non-Mandatory Reporting to Child Protection Policy and Procedures**.

**Child and Family Information, Referral and Support Teams (Child FIRST) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including school staff.

Child FIRST ensures that vulnerable children, young people and their families are linked effectively to relevant services. Child FIRST is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Child FIRST teams work closely with community-based DFFH Child Protection workers.

The role of Child FIRST includes:

- providing a point of entry to a local network of family services
- receiving reports about vulnerable children where there are significant concerns about their wellbeing
- undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DFFH Child Protection
- identifying appropriate service responses for families.

Child FIRST as the access point for family services is in the process of transitioning to the Orange Door; however, at this stage, the referral is made to Child FIRST.

2.4 Failure to Disclose: Mandatory Reporting (of Sexual Offences Against Children) to Police

Victorian law requires that any adult (a person aged 18 or over) who forms a reasonable belief that a sexual offence has been committed by another adult against a child aged under 16 must report that information to the Police, except in certain circumstances.

We call this “Mandatory Reporting (of Sexual Offences Against Children) to Police”.

Failure to do this is a criminal offence known as “Failure to Disclose”.

Who must make a Mandatory Report (of Sexual Offence Against Children) to Police?

Any adult at the College, including **all Representatives who are adults, must** report to Police when they have the required belief.

When must a Mandatory Report to Police be made?

A Representative must make these reports when they have a reasonable belief that:

- an adult (including a staff member, Volunteer, Contractor, parent/carer or any other adult)
- has committed a sexual offence
- against a person who, at the time of the offence, was aged under 16 (including but not limited to current or former students).

It does not matter whether the adult is associated with the College.

Sexual offences committed against a child aged under 16 by a student at the College aged under 18 do not fall under the Failure to Disclose offence. However, they must still be reported to Police under College policy (refer to **Non-Mandatory Reporting to Police** below).

What is a Reasonable Belief?

A “reasonable belief” is formed if another person in the same position would have formed the same belief on the same grounds.

A “reasonable belief” might be formed when:

- a child tells you that they are being or have been sexually abused
- a person aged over 16 tells you that they were sexually abused when they were aged under 16
- a child tells you that they know someone who is being or has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child tells you that the child is being or has been sexually abused
- signs of sexual abuse lead you to believe that a child is being or has been sexually abused.

How to Report to Police

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find [here](#).

2.5 Non-Mandatory Reporting to Police

The Four Critical Actions/Student Sexual Offending Four Critical Actions require, and therefore it is the College's policy, that **all Representatives** of the College **must** report the following to Police, even though this is not required by law:

- sexual offences committed by a student aged under 18 against any other person (refer to **Responding to Student Sexual Offending** below)
- concerns for a student's immediate safety (refer to **Responding to an Emergency** above)
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report (or, if they do not consent, only if reporting would lessen or prevent a serious or imminent threat to a person's life, health, safety or welfare)
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (refer to **Responding to Other Concerns About the Wellbeing of a Student** below).

2.6 Reportable Conduct

Victorian law requires the "head" of the College to report to the Commission for Children and Young People (CCYP) any allegation that an "**employee**" of the College (defined below) has committed "Reportable Conduct" or misconduct that may involve Reportable Conduct (a reportable allegation). They must also conduct an appropriate investigation into the matter, and report the outcome to the CCYP.

CCYP is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people.

CCYP is responsible for administering the Reportable Conduct Scheme, which includes:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

The “head” of the College is the EREA Executive Director. They have authorised the Principal to undertake the following functions required under the Reportable Conduct Scheme, to assist them in meeting their obligations:

- notifying and updating the CCYP of reportable allegations about the College’s employees
- ensuring that investigations are undertaken into all reportable allegations made against the College’s employees
- complying with all obligations of the “head” of the College under the Reportable Conduct Scheme.

If the reportable allegation involves the Principal, then the EREA Executive Director has authorised the EREA Director of Safeguarding to undertake these functions.

What is Reportable Conduct?

Reportable Conduct is defined in Additional Definitions, above.

Who is an Employee?

For the purposes of the Reportable Conduct Scheme, an **employee** is anyone aged 18 or over who is:

- employed by the College, (i.e., all adult staff members)
- engaged by the College to provide services as a Volunteer, Contractor, office holder or other officer (i.e., all adult Volunteers and all adult Contractors).

It does not matter whether their work or activities relate to or involve providing services to children.

Internal Reporting of Reportable Conduct

To enable the Principal (or EREA Director of Safeguarding) to fulfil their authorised obligations (and therefore to enable the EREA Executive Director to meet their legal obligations under the Reportable Conduct Scheme), the College requires that those **Representatives who are school staff (including all staff members and Direct Contact Contractors) and all Volunteers (including College EREA Victorian Schools Board members)** who:

- form a reasonable belief that:
- an employee at the College has engaged in Reportable Conduct or misconduct that may involve Reportable Conduct,

must immediately report their concerns to the Principal (or to the EREA Director of Safeguarding if the allegation involves the Principal).

They **must** also consider whether they are required to make a Mandatory or Non-Mandatory Report to DFFH Child Protection, a Mandatory or Non-Mandatory Report to Police, take any other action or make any other external reports.

Any other Representative (e.g. Regular and Casual Contractors) can report concerns about Reportable Conduct by a College employee to the Principal (or to the EREA Director of Safeguarding if the allegation involves the Principal).

Any Representative can also or instead make a report directly to the CCYP, by calling 1300 78 29 78 or emailing contact@ccyp.vic.gov.au.

The College's Response to Reportable Allegations

When they become aware of a reportable allegation (whether through receiving an internal report of Reportable Conduct, through receiving a complaint from a student, parent/carer or anyone else, or through any other means), **the Principal (or the EREA Director of Safeguarding if the allegation involves the Principal) must:**

- notify the CCYP as soon as possible, and no later than three business days after becoming aware of the reportable allegation
- report the matter to Police if the reportable allegation involves possible criminal conduct
- take any necessary interim action to ensure the safety and wellbeing of the child/ren involved and students at the College
- ensure that an appropriate internal investigation is conducted into the reportable allegation (subject to Police advice, if the matter has been reported to Police, and to consultation with DFFH Child Protection, if the matter has been reported to DFFH Child Protection) and notify the CCYP of the person who will be conducting the internal investigation
- provide the CCYP with an update about the College's response to the reportable allegation within 30 days of becoming aware of it
- if, as a result of the internal investigation, a finding is made that the reportable allegation is "substantiated", report this to relevant regulators such as the Victorian Institute of Teaching or Working with Children Check Victoria and, if the finding involves a criminal offence, to Police if a report has not already been made
- decide what, if any, measures should be put in place to minimise any further risk of harm to students at the College

- notify the CCYP of the outcome of the internal investigation as soon as practicable after it has concluded.

2.7 Teacher Misconduct that is Reportable to the Victorian Institute of Teaching (VIT).

The Victorian Institute of Teaching (VIT) is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession.

Registered teachers in Victoria are exempt from the Working with Children Check (WWCC) scheme. To align teacher registration with the WWCC scheme, Victorian law requires that registered teachers notify the VIT if they are charged with, committed for trial for, or convicted or found guilty of certain criminal offences (that accord with those relevant to WWCCs) or if they have been issued with a negative notice in relation to the WWCC.

Victorian law also requires the College to notify the VIT if it becomes aware that a teacher has been charged with, or convicted or found guilty of, these criminal offences or has been given a negative notice.

The College **must** dismiss or remove from its employment or engagement any teacher who has been convicted or found guilty of these criminal offences or been given a negative notice.

The College **must** also notify the VIT if the College has taken **any** action against a registered teacher in response to allegations that raise concerns about the teacher's fitness to teach.

To enable the College to fulfil its obligations, it requires that:

- **Representatives who are registered teachers must** inform the Principal (or, if they are the Principal, the EREA Director of Safeguarding) if they are charged with, committed for trial for, or convicted or found guilty of a relevant offence or if they have been given a negative notice in relation to a WWCC
- **all Representatives who are staff members must** immediately report to the Principal (or, if the incident or allegation involves the Principal, to the EREA Director of Safeguarding) any incident or allegation that raises concerns about a teacher's fitness to teach.

2.8 Responding to Sexual Behaviour in Children and to Student Sexual Offending

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, harmful or student sexual offending, helps Representatives of the College to support the development of healthy sexuality and protect students from abuse and other harm.

Recognising and Responding to Sexual Behaviour in Children

The College references the True Traffic Lights® Framework to enable Representatives to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

As a general guide:

- **Red light sexual behaviours** are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow up support.
- **Orange light sexual behaviours** are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These concerning behaviours signal the need to monitor and provide extra support.
- **Green light sexual behaviours** are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

All green, orange and red light behaviours require some form of action and support.

Most red light (harmful) sexual behaviour by a student aged 10 or over that is directed at another person would be considered **student sexual offending**. Some orange light (concerning) behaviours could also be student sexual offending.

Orange and red light behaviours may therefore require external reporting, such as **Mandatory or Non-Mandatory Reporting to DFFH Child Protection** or **Non-Mandatory Reporting to Police** above.

To enable the College to respond appropriately to students with concerning or harmful sexual behaviour, it requires that **Representatives who are staff members, Direct Contact Volunteers and Direct Contact Contractors** must report orange light and red light sexual behaviours to a Child Safeguarding Officer.

Contact details for our Child Safeguarding Officers are set out in the **Responsibilities** section, above.

Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that:

- is led by a student aged 10 or over; and
- is directed at another person; and

- amounts to a sexual offence.

The College requires that, when **Representatives who are staff members, Direct Contact Volunteers and Direct Contact Contractors** become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, they **must** follow the Student Sexual Offending Four Critical Actions (Appendix 2).

The Student Sexual Offending Four Critical Actions requires that incidents of or concerns about student sexual offending **must** be reported to Police, and that additional reports **must** be made, if relevant, to DFFH Child Protection or Child FIRST/Orange Door.

- In emergencies, or if the student sexual offending is happening now or has just happened and the student offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find **here**.

For guidance on identifying and responding to student sexual offending, refer to the protocol [PROTECT Identifying and Responding to Student Sexual Offending](#) and the College's Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures.

2.9 Responding to Other Concerns About the Wellbeing of a Student

Any concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, will be taken seriously and acted on.

The College and **Representatives who have students under their care** owe a duty of care to all students at the College to ensure that they feel safe and are supported at the College.

Concerns about the wellbeing of a student, that do not appear to be the result of abuse or other harm, may still be reported by Representatives of the College to:

- internally, one of the Child Safeguarding Officers
- Police
- DFFH Child Protection
- Child FIRST/Orange Door,

depending on the age of the student and the nature of the concern.

The College will also consider whether a referral to a support service may assist.

For guidance on the kinds of situations that should be reported and to whom, refer to the College's [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

2.10 Child Safeguarding Record Keeping

All internal and external reports of child safety incidents and concerns, as well as any other responses by the College must be recorded using [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#) or, if the matter involves student sexual offending, [PROTECT Responding to Suspected Student Sexual Offending: A Template for all Victorian Schools](#).

Representatives who are staff members must complete the relevant sections of these forms. In the case of Representatives who are Volunteers or Contractors, this may instead be done by or with the assistance of a Child Safeguarding Officer or the Principal. Completed forms must then be provided to a Child Safeguarding Officer or the Principal.

As the various responses of the College occur, a Child Safeguarding Officer or the Principal must record these in the relevant sections of the form.

3. Critical Action Three: Contact Parents/Carers

3.1 Communicating with Parents/Carers About Internal and External Reports

It is usually critical that the parents/carers of a student who is the subject of a child safety incident or concern are notified as soon as practicable when an internal report has been received and/or that an external report has been or will be made. This enables the student's parents/carers to take steps to prevent or limit their child's exposure to further abuse or other harm and ensure that their child receives the support that is needed. However, this may not be appropriate in all circumstances.

- If a report has been or will be made to DFFH Child Protection or Police, then **the Principal or Senior Child Safeguarding Officer must** seek advice from DFFH Child Protection or Police (depending on who the report has been made to) before contacting parents/carers. They will advise whether it is appropriate to contact parents/carers at this stage and if so, what information can be shared with the parents/carers.
- If the matter involves an internal investigation of Reportable Conduct, then by law, **the Principal** (or **the EREA Director of Safeguarding** if the matter involves the Principal) **can** share information about the progress of the investigation, its findings and recommendations, and actions taken, with the child and their parents/carers. They **must** take into account a number of factors when deciding whether, to what extent, and at what point in the investigation, information about the matter should be shared with the child and their parents/carers.

Where information about an external report can be shared with parents/carers, **the Principal or Senior Child Safeguarding Officer** must make sensitive and professional contact with the parents/carers as soon as practicable after the child safety incident or concern occurred or arose.

4. Critical Action Four: Provide Support

4.1 Support for Students, Families and Representatives Following Child Safety Incident or Disclosure

Supporting Students

Ensuring that a student feels safe and supported following an incident is critically important to our College.

The College employs a range of measures to support students affected by a child safety incident or concern (including students making reports), depending on the particular circumstances of the matter and of the student and their family:

- Child Safeguarding Officers may work with the student and their family to develop a Student Support Plan, including academic support.
- Support strategies that could be considered for students and/or their families might include offering or organising referrals to internal or external support, such as the College counsellor, family counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

The College offers similar support to former students who disclose historical child safety incidents or concerns from their time at the College.

Supporting Representatives

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the Representatives involved. The College assists impacted Representatives to access necessary support.

Supporting our College Community

Key principles that we apply in the design of policy, procedure, interventions, support and reporting in our Child Safeguarding Program are to ensure that we:

- promote the cultural safety of Aboriginal or Torres Strait Islander children and young people

- promote the cultural safety of children from culturally and linguistically diverse backgrounds
- promote the safety of children with any form of disability.

Student Awareness

The College is committed to the protection of all children and young people from all forms of child abuse and other harm. It is important that all our students are educated about how to raise any concerns and we raise their awareness of child safety concerns and concerning behaviours to report. We have designed and are implementing a comprehensive child safety curriculum with age-appropriate education and awareness programs. This curriculum, further supported by our actions and processes, empowers our students to have a voice and to take action for their own care.

5. Organisational Duty of Care

Section 91 of the Wrongs Act 1958 (Vic) imposes a duty of care on the College, as an organisation, to take reasonable precautions to:

- prevent the physical or sexual abuse of a child under its care, supervision or authority
- by an individual associated with the College.

If a victim of physical or sexual abuse, that is alleged to have occurred at the College or to have involved our Staff, Volunteers or Contractors, brings a negligence claim against the College, a court will presume that the College breached its duty of care unless the College can prove that we took reasonable precautions to prevent the abuse.

Reasonable precautions to prevent the physical or sexual abuse of students at the College may include:

- conducting employment screening and reference checking
- providing supervision and training to Staff and relevant Volunteers and Contractors
- implementing systems to provide early warning of possible sexual or physical abuse by Staff, Volunteers and Contractors
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to report to the College and/or external authorities any signs of inappropriate behaviour
- implementing improvements following a review of our policies and procedures, either as part of our regular review process or after a particular child safety incident.

5.1 Documenting Reasonable Precautions to Prevent Physical and Sexual Abuse

The College keeps records that document the actions taken by the College in response to child safety incidents and concerns, and that document our review and improvement processes, to assist in demonstrating reasonable precautions taken by the College to prevent the physical or sexual abuse of its students.

These records must be kept for at least 50 years.

6. Privacy and Confidentiality

Anyone who has access to information regarding a case of suspected child abuse or other harm must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

Reports or referrals made to DFFH Child Protection or ChildFIRST are confidential, and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

A person who makes a Mandatory Report in accordance with the CYF Act or a report under the CWS Act (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

Implementation

This Policy and its Procedures are published on the College's public website.

They are provided to new staff members, to Direct Contact and Regular Volunteers and to Direct Contact and Regular Contractors at induction. Training about the Child Safeguarding (Responding

and Reporting Obligations) Policy and Procedures is also included in annual refresher training for Staff and relevant volunteers and contractors.

The College provides all Visitors to the College, including Casual Volunteers and Casual Contractors, with information about the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures (including in particular how to report child safety incidents or concerns to the College and to relevant external authorities) through Signing in at Reception via Passtab, posters on college noticeboards and directed to college website..

This Policy and its Procedures are also communicated to staff, volunteers, contractors and other members of the College community Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

Breach of This Policy and Procedures

The College enforces this Policy and its Procedures. The Policy Owner monitors compliance with this Policy and its Procedures.

In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

All breaches and near misses related to this Policy or its Procedures must be reported as a Compliance Breach in Assurance by the College's Risk Manager and are monitored by the EREA Director of Risk & Compliance.

Risks identified related to the implementation of this Policy and its Procedures are reported to the Policy Owner to support continuous improvement.

Policy Review

A review of this Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

The Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures are to be read and understood in conjunction with:

- [EREA Child Safeguarding Policy](#)
- [EREA Statement of Commitment to Child Safety](#)
- [EREA Complaints Handling Policy](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding Complaints Management Policy and Procedures](#) (Child-Friendly Version available Policy Connect)

Child Safeguarding Record Keeping Policy and Procedures

Child Safeguarding Training and Supervision Policy and Procedures

Child Safeguarding Risk Management Policy and Procedures

Source of Obligation

The Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures implement:

- [Victorian Child Safe Standards](#), Standard 7
- [Ministerial Order 1359](#), Clauses 11.2(e), 11.3 and 11.4
- [EREA Child Safeguarding Standards Framework](#), Standard 6
- [National Catholic Safeguarding Standards.](#), Standard 6.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#)
- [PROTECT Responding to Suspected Child Abuse: A Template for all Victoria Schools](#)

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#), 2018
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Identifying and Responding to Student Sexual Offending](#), 2018

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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Risk Rating	High

Location

PolicyConnect

Appendices

Appendix 1

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018

Appendix 2

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending, 2018

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[1] *The “Child Safeguarding Program” is the name given to the full collection of policies and procedures that assist the College to be a child safe organisation and to meet the requirements of the Victorian Child Safe Standards, Ministerial Order 1359 and – as a Catholic entity – the National Catholic Safeguarding Standards. It includes not only policies and procedures for responding and reporting child safety incidents and concerns, but also policies and procedures about:*

- *child safe human resources management (including WWC clearances)*
- *participation and empowerment of students*
- *informing and involving families and relevant communities in child safeguarding issues*
- *equity and diversity*
- *child safeguarding risk management strategies*
- *strategies for embedding a culture of child safety at the College and*
- *regular reviews and continuous improvement of child safeguarding policies, procedures and practices.*

These other policies and procedures are summarised in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures.

[2] *Sexual offences against children and young people include:*

- *sexual offences against children aged under 16*

- *sexual offences against children aged 16-17 who are under the care, supervision or authority of the offender*
- *grooming by an adult of children aged under 16*
- *encouragement by an adult of child aged under 16, or a child aged 16-17 under the care, supervision or authority of the adult, to engage in or be involved in sexual activity*
- *offences related to child abuse material, including making (including by involving a child in making), producing, distributing, possessing, and administering websites containing this material offences*

[3] *This grooming offence involves grooming by an adult of another adult who has the child under their care, supervision or authority.*

[4] *“Serious” emotional or psychological harm and “serious” neglect involve harm that has a lasting permanent effect.*

[5] *The grounds set out in the CYF Act for a child to be considered “in need of protection” include:*

- *abandonment by or death/incapacitation of their parents, and no suitable person can be found who is willing and able to care for the child*
- *the child has suffered, or is likely to suffer, “significant” harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child*
- *the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, “significantly” damaged, and the child's parents have not protected, or are unlikely to protect, the child*
- *the child's physical development or health has been, or is likely to be, “significantly” harmed because the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.*

[6] *“Significant” emotional or psychological harm and “significant” neglect involve harm that is more than trivial or insignificant, but need not be as high as “serious” and need not have a lasting permanent effect.*

Child Safeguarding Codes of Conduct Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

This Code has the objective of promoting child safeguarding in the school environment and safeguarding students of the College against sexual, physical, psychological, and emotional abuse or neglect. It aligns with the College's stance of zero tolerance against child abuse.

This Code should be read in conjunction with the Edmund Rice Education Australia (**EREA**) Code of Conduct and the College's Child Safety and Protection Policy.

It is intended to complement child protection legislation, College policies in relation to child safety, mandatory reporting and other reporting requirements and the Victorian Institute of Teaching (**VIT**) Codes of Conduct as these apply to staff and personnel.

The Victorian Child Safe Standards and Ministerial Order 1359 require the College to have a code of conduct that sets standards about the ways in which "school staff" are expected to behave with children. They also require the EREA Board to develop strategies to deliver appropriate education about, among other things, standards of behaviour for students attending the College.

The National Catholic Safeguarding Standards (NCSS) and the EREA Child Safeguarding Standards Framework also require the College to have a child safeguarding code of conduct for its personnel and guidelines for children that set out expectations about safe and respectful peer relationships.

This section of the Child Safeguarding Program describes the Child Safeguarding Codes of Conduct that the EREA Board and the College have developed to meet these commitments.

Each policy and procedure in this section also contains additional guidance for Staff, Volunteers, Contractors and the College to assist them to understand and comply with it.

The Policies and Procedures in this Section

The policies and procedures in this section of the Child Safeguarding Program are:

- [Child Safety Code of Conduct Policy and Procedures](#)
- [Student Child Safeguarding Code of Conduct Policy and Procedures](#)

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standards 3 and 7
- [Ministerial Order 1359](#), Clauses 9 and 13
- [National Principles for Child Safe Organisations](#), Principles 1 and 2
- [National Catholic Safeguarding Standards](#), Standards 1 and 2
- [EREA Child Safeguarding Standards Framework](#), Standards 1 and 2

Child Safety Code of Conduct Policy and Procedures

Background

St Patrick's College is committed to the safety of all children and has a zero tolerance approach to child abuse.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

This Code has been drafted in consultation with the College's staff members and parents/guardians of the students and endorsed by the EREA Board. It has been drafted taking into account the diversity of the College environment, including but not limited to the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disability, and children who are vulnerable.

Purpose

This Code has the objective of promoting child safety in the College environment and safeguarding students of the College against sexual, physical, psychological and emotional abuse or neglect. It aligns with the College's stance of zero tolerance against child abuse.

This Code should be read in conjunction with the Edmund Rice Education Australia (EREA) Code of Conduct and the College's [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

It is intended to complement child protection legislation, College policies in relation to child safety, mandatory reporting and other reporting requirements and the Victorian Institute of Teaching (VIT) Codes of Conduct as these apply to staff and personnel.

Scope

This Code applies to all EREA-endorsed **Representatives of the College**.

Such Representatives include College EREA Victorian Schools Board members, all College Staff including teachers, administration and education support Staff, temporary or casual staff, pre-service teachers, Volunteers, Contractors, external education providers, and clergy.

It applies to all aspects of such Representative's engagement with the College and its students, including students aged 18 and over. All such Representatives must be conscious that their position

places significant obligations on them including a requirement to maintain professional boundaries. Interactions with students can extend beyond the College setting, including outside of school hours, outside of College grounds and by any medium of technology (including social media).

This Code applies regardless of:

- the location of where an interaction occurs, whether during or outside College grounds or during or outside school hours
- a student's age
- a student's consent
- the consent of parents/guardians and families; and
- circumstances in which a student initiates an interaction or relationship between the Representative and the student.

This Code does not apply to students and parents. Required standards of behaviour for these groups are set out in the Student Code of Conduct and Parent Code of Conduct.

Roles and Responsibilities

All Representatives are responsible for understanding their obligations under this Code and complying with the provisions of this Code as updated from time to time.

This Code has been endorsed by the EREA Board as the College's governing authority. The EREA Board is responsible for developing and reviewing this Code to ensure compliance.

The EREA Board has delegated authority to the Principal to implement this Code. This includes ensuring that all Representatives are aware of this Code and sign a copy of the Code. The Principal will ensure that the Code is publicly available on the College's website, and that parents/guardians and students are aware of the Code, including by Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

Acceptable Behaviours

All Representatives must treat all students with respect. They hold a unique position of influence, authority, trust and power in relation to students. As such, it is their duty to establish and maintain professional boundaries with students at all times.

All Representatives are responsible for supporting the safety of children and students by:

- adhering to the College's Child Safeguarding (Safety and Wellbeing) Policy and Procedures, this Code, EREA's Code of Conduct and the College's other applicable policies and procedures (as amended from time to time) at all times
- being vigilant and taking all reasonable steps to protect the students in the College's care from abuse or harm
- abiding by professional boundaries, acknowledging that interactions with students by their very nature are open to scrutiny
- treating everyone in the College community with respect, modelling positive and respectful relationships and acting in a manner that sustains a safe, educational and pastoral environment
- listening and responding to the views and concerns of students, particularly if they are telling you that they or another child, student or young person has been abused or that they are worried about their safety/the safety of another child, student or young person
- promoting the cultural safety, participation and empowerment of all students, particularly Aboriginal and Torres Strait Islander students, students with culturally and/or linguistically diverse backgrounds and students with disability
- respecting the language, customs, religions and cultures of a student
- ensuring that as far as practicable that Representatives are not alone with a student unnecessarily or in a manner unrelated to the College or their role
- reporting any allegations of child abuse or child safety concerns in accordance with the College's Child Safeguarding (Responding and Reporting) Policy and Procedures
- reporting any suspected breach of this Code by any other Representative to a Child Safeguarding Officer or the Principal
- understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958 (Vic) and any other legal reporting obligations
- if an allegation of child abuse is made, ensuring as quickly as possible that the students are safe, in accordance with the College's policies and procedures
- respecting the confidentiality and privacy of students and act in accordance with the College's Privacy Program
- exercising prudent judgment and intervention consistent with the College's Student Behaviour Policies and Procedures when students engage in bullying behaviour towards others or act in a humiliating, degrading, intimidating or vilifying way
- only interacting with students online using the College's technology systems, and only for educational purposes or for the organisation of co-curricular events and in compliance with the College's Student Use of Social Media policy

- immediately notifying the Principal or the Principal's delegate if they become the subject of any child safety investigation or become charged with any offence related to child safety
- complying with their professional and employment obligations, including any other relevant professional or occupational code of conduct such as the VIT Code of Conduct
- developing and exercising prudent judgment and sensitivity regarding appropriate physical interactions and only engage in physical interactions with students where it may be necessary, a required part of the educative process, beneficial and/or supportive
- complying with any lawful and reasonable direction by the College
- cooperating with any child safety investigation by the College or any regulatory authority

Unacceptable Behaviours

Representatives must not:

- engage in any form of child abuse, including behaviour that could constitute grooming
- ignore or disregard any suspected or disclosed child abuse
- develop any 'special' relationships with students that could be seen as favouritism, including but not limited to:
 - the offering of gifts or special treatment for specific students
 - attending parties or socialising with students outside of organised College events
 - sharing personal details about their private life with students; and
 - meeting with students outside of College hours without permission from the College
- exhibit behaviours with students which may be construed as unnecessarily physical (for example, sitting on laps, massages)
- engage in conduct towards or in the presence of a student that suggests contempt, ridicule or intolerance, including because of the student's or another person's race, culture, religion, gender, sexuality or disability
- subject any student to any form of corporal punishment
- put students at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact with a student or do things of a personal nature that a student can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of students (for example, personal social activities)
- use inappropriate language in the presence of students
- express personal views on culture, race or sexuality in the presence of students
- discriminate against any student, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability

- have contact with a student or their family outside of school without College Leadership's knowledge, and/or consent of the Principal (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.
- have any online contact with a student (including by social media, email, instant messaging, etc) or their family, unless that contact is limited to providing information about the College, or is connected directly to the schoolwork of the enrolled student
- use any personal communication channels/device such as a personal email account, social media or instant messenger accounts to make contact with students
- exchange personal contact details such as phone numbers, social networking sites or personal email addresses
- drive a student in their car unless they have parental consent
- put themselves in a position where there is a conflict of interest
- become 'friends' with, follow or add a student on any social media platform
- photograph or video a student without the consent of the parent or guardians
- share or request any photographs, videos, recordings or personal information about students without the College's consent, including on any of their own social media platforms
- work with a young person while under the influence of alcohol or illegal drugs
- consume alcohol or drugs at College or at College events in the presence of students or supply any student with drugs or alcohol

Professional Boundaries

All Representatives must maintain professional boundaries at all times, including outside College hours and activities. Further guidelines are contained in the EREA Code of Conduct.

Representatives should be aware that where a relationship develops with an ex-student, EREA and the College are entitled to consider whether the Representative's actions suggest/suggested an abuse of their position as a Representative including if professional boundaries between the Representative and the student were infringed. A judgment that abuse of their position has occurred would constitute serious misconduct and may result in the Representative's employment or engagement being terminated, together with mandated reporting to appropriate child protection agencies.

Personal Relationships with Students

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflict of interest may arise and professional boundaries may be tested.

Where such a situation may arise, a Representative is expected to:

- be diligent in developing and maintaining professional boundaries
- take steps to ensure that any potential conflict of interest is avoided; and
- comply with the College's policy to make relevant disclosures to the Child Safeguarding Officer and/or the Principal.

Policy Compliance

Breach of this Policy

EREA and the College take their child safety obligations very seriously.

Representatives that breach this Code may be subject to disciplinary action, including and up to termination of their employment or engagement.

Individuals that are aware of a suspected breach of this Code should refer to the College's Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures and should make a report to a Child Safeguarding Officer. All reports will be treated seriously and confidentiality.

The College is required to report to the VIT any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher or certain allegations or concerns about a registered teacher.

The College may also be required to report concerns to the Police, Commission for Children and Young People and/or the Department of Families, Fairness and Housing (DFFH Child Protection).

Policy Review

A review of this Code shall be conducted every three years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy is reviewed and updated as needed and endorsing this Policy.

Related Policies, Procedures and Legislation

College Policy Linkages

This Code should be read in conjunction with the following related documents:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Code of Conduct](#)
- [Parent Code of Conduct](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)

[Child Safeguarding Complaints Management Policy and Procedures](#)

[Student Participation and Empowerment Policy and Procedures](#)

EREA Policy Linkages

This Code should be read in conjunction with the following related documents:

- [EREA Statement of Commitment to Child Safety](#)
- [EREA Code of Conduct](#)
- [EREA Child Safeguarding Standards Framework](#)
- [EREA Child Safeguarding Policy](#)

Other Related Documents

- [Victorian Catholic Education Multi-Enterprise Agreement 2018](#)
- [VIT Code of Conduct](#)
- [St Patrick's College/EREA Child Safety Code of Conduct](#)
- [CECV Commitment Statement](#)
- [Working With children's checks Policy and Procedures](#)

Related Legislative Instruments

- [Education and Training Reform Act 2006 \(Vic\)](#)
- [Ministerial Order 1359](#)
- [Crimes Act 1958 \(Vic\)](#)
- [Child Wellbeing and Safety Act 2005 \(Vic\)](#)
- [Children, Youth and Families Act 2005 \(Vic\)](#)
- [Victorian Child Safe Standards](#)

Policy Administration

Status – Draft, Current or Archived	Current
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Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Review Frequency	2 years
Next Review Date	June 2024
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Risk Rating	High
Location	PolicyConnect

DECLARATION

I confirm that I have been provided with a copy of the above Code of Conduct.

I confirm that I have read and understood the Code and understand that I am required to comply with the Code. I acknowledge that, if I breach the Code, I may be subject to disciplinary action, including termination of my engagement with the College.

Name:

Signature:

Date:

Student Child Safeguarding Code of Conduct Policy and Procedures

[SPC_Student Code of Conduct_Final_V2 \(002\).pdf](#)

Child Safeguarding Complaints Management Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Child Safeguarding Complaints Management Policy and Procedures, as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement child-focused processes for managing complaints and concerns. To meet this Standard, Ministerial Order 1359 requires the EREA Board to (among other things):

- develop a complaints handling policy that meets a number of specific elements and that clearly outlines:
 - the process for making a complaint about the College or the Boarding School, or the behaviour of any person within the College or the Boarding School
 - the roles and responsibilities of leadership, school staff, school boarding premises staff and Volunteers in relation to complaints handling
 - the process for dealing with different types of complaints, breaches of relevant policies or the Child Safety Code of Conduct, and obligations to act and report
- have policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperating with law enforcement
- ensure record keeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns

- have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse
- ensure that complaints are taken seriously and responded to promptly.

Purpose

St Patrick's College (**the College**) is committed to providing a safe and supportive learning environment. From time to time, staff can sometimes feel aggrieved about something that is happening at the College particularly regarding child safeguarding that they believe requires attention, further investigation or change in procedures or a resolution.

The College endeavours to ensure that complaints are managed and resolved fairly and in a timely manner.

A child-focused complaints handling system is important for helping students and others at the College make complaints, whether about child safety or otherwise.

This Policy and its Procedures set out how the College, as a child safe organisation:

- has and implements a child-focused complaints handling system
- manages child safeguarding-related complaints.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing College environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding).

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

For the purposes this Policy and its Procedures, references to the College include the Boarding School.

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as “Staff” or “staff members” for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments(together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Child Abuse and Other Harm

We refer to all definitions and concepts that are set out in the multiple Victorian child protection laws and that are relevant to “child abuse” and “harm” to a child or young person as “child abuse and other harm.”

Child abuse and other harm includes:

- sexual offences and sexual abuse
- grooming behaviours, grooming offences and encouragement offences
- physical violence and physical abuse
- serious/significant emotional or psychological harm (including by exposure to family violence)
- serious/significant neglect
- being subjected to a sexual orientation or gender identity change or suppression practice.

For more information, refer to the Definitions section of [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#).

Complaint

A “complaint” is an expression of dissatisfaction with an action taken, decision made, or service provided, or with the failure to provide a service, take action or make a decision at the College.

A complaint might come from a number of sources, such as a student, former student, parent/carer, other family member, staff member, Volunteer, Contractor or member of the wider community.

Child Safeguarding-Related Complaint

A “child safeguarding-related complaint” is any disclosure, allegation, suspicion, concern or internal report of:

- a breach of the College’s Child Safeguarding Codes of Conduct
- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the College or a College event
- child safety incidents or concerns involving College Staff, Volunteers or Contractors
- other staff misconduct related to the Child Safeguarding Program (such as a procedural breach of the Child Safeguarding Program).

A child safeguarding-related complaint also includes any complaint about the College’s response to or management of a child safety incident or concern, including complaints alleging non-compliance with our Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

Name	Position	Contact No.	Email Address
Steven O'Connor	Principal	03 5322 4412	soconnor@stpats.vic.edu.au
Richard Brodrick	Deputy Principal	03 5322 4408	rbrodrick@stpats.vic.edu.au

Kevin Robillard	Assistant Principal- Pastoral Care & Wellbeing	03 5322 4350	krobillard@stpats.vic.edu.au
Tom Ferguson	Assistant Principal-Staff & Culture	03 5322 4479	tferguson@stpats.vic.edu.au
Carol Roberts	Assistant Principal- Learning Innovation	03 5322 4432	caroberts@stpats.vic.edu.au
Geoff Brodie	Assistant Principal- Mission & Identity	03 5322 4326	gbrodie@stpats.vic.edu.au
Brendon Gilbert	Director of Boarding	03 5322 4443	bgilbert@stpats.vic.edu.au
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St Patrick's College's Policy

1. The College implements child safe complaints handling processes, as set out in **Making a Child Safeguarding-Related Complaint** below, to enable:

- simple and appropriate avenues for students, Staff, Volunteers, Contractors, parents/carers and the wider community to make a complaint, including child safeguarding-related complaints
- confidentiality and accessibility for all members of the College community.

2. The College, and its staff members, **must** respond to child safeguarding-related complaints as set out below in:

- Responding to Child Safeguarding-Related Complaints – Staff Members’ Obligations
- Managing Child Safeguarding-Related Complaints – the College’s Obligations
- Internal Reviews of Child Safeguarding-Related Complaint Outcomes
- External Reviews for Overseas Students

3. Records of complaints that contain information about child safety incidents or concerns must not be held within our general Complaints Handling record keeping system, because of the confidentiality and privacy issues that arise with respect to child safety incidents and concerns. These complaints are instead recorded as a child safety incident or concern, under our Child Safeguarding Record Keeping Policy and Procedures.

4. Analysis of child safeguarding-related complaints and reviews of the Child Safeguarding Complaints Management Policy and Procedures inform the continuous improvement of the College’s Child Safeguarding Program and practices, as set out in General Reviews of Child Safeguarding Complaints Management below.

Procedures

1. Making a Child Safeguarding-Related Complaint

(a) Anyone can, at any time, make a child safeguarding-related complaint to:

- the Principal
- a Child Safeguarding Officer
- a trusted staff member
- in person, in writing or over the phone.

Non-child safeguarding-related complaints should be made to the Complaints Officer.

(b) Parents/carers, family members and other community members who have child safeguarding concerns about the College, its students or staff members are asked to follow the procedures set out in our Child Safeguarding_(Safety and Wellbeing) Policy and Procedures and to contact:

- the College’s Senior Child Safeguarding Officer Deputy Principal-Richard Brodrick, by phoning **03 5322 4408 / 0409 214 177** or emailing rbrodrick@stpats.vic.edu.au
- the Boarding School Senior Child Safeguarding Officer Deputy Principal-Richard Brodrick by phoning **03 5322 4408 / 0409 214 177** or emailing rbrodrick@stpats.vic.edu.au
- the Principal or, if the concern relates to the Principal, the EREA Director of Safeguarding.

(c) Students have multiple pathways to make a complaint, including child safeguarding-related complaints, at the College. These include:

- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child or student aged 18 or over, to any staff member, Volunteer or Contractor. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email)
 - indirectly (such as in written assignments, in artworks or in any other way)
- using the College's anonymous Insert Description of Anonymous Child Protection Mechanism, which is located Insert Location of Anonymous Feedback Mechanism to disclose child safety incidents or concerns, including abuse or other harm of themselves or of any other child or young person, anonymously
- by contacting * Headspace - https://headspace.org.au/?gclid=EAlalQobChMlylvz-vyN-AIVNIZLBR0JswCrEAAYASAAEgKn_vD_BwE
- The Orange Door - <https://www.orangedoor.vic.gov.au/>
- eSafety Commission - https://www.esafety.gov.au/?gclid=EAlalQobChMloKiApP2N-AIVCplmAh05hgW3EAAYASAAEgLYYfD_BwE&gclsrc=aw.ds
- Beyond Blue – Young People - <https://www.beyondblue.org.au/who-does-it-affect/young-people>.

2. Responding to a Child Safeguarding-Related Complaint – Staff Members' Obligations

(a) Support for Complainants

Whenever a complaint containing information about child safety incidents or concerns is received, the complainant must be offered support and assistance under our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures.

Where the complaint relates to a historical sexual offence or sexual misconduct that occurred before 1 July 2018, complainants must be informed about the National Redress Scheme for people who have experienced institutional child sexual abuse.

(b) Internal and External Reporting of Complaint Information

All staff members must follow the College's Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures if any information contained in a complaint that is made to them

raises a concern that a student may have been subject to, or may be at risk of, abuse or other harm at the College or a College event, or from a staff member. This includes in particular:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Mandatory Reporting to DFFH Child Protection](#)
- [Non-Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- Reporting Teacher Misconduct to the Victorian Institute of Teaching

Our internal reporting and Reportable Conduct policies and procedures mean that all staff members must report any child safeguarding-related complaint that is made to them to a Child Safeguarding Officer or the Principal.

If a child safeguarding-related complaint is about the Principal, the complaint must be referred to the EREA Director of Safeguarding.

3. Managing Child Safeguarding-Related Complaints – The College’s Obligations

Child safeguarding-related complaints are managed by the College as follows:

(a) Child safeguarding-related complaints that involve, or raise the possibility of a risk of, child abuse or other harm to a child are managed under the Child Safeguarding Program

The following child safeguarding-related complaints must be managed pursuant to any relevant policies and procedures in this Child Safeguarding Program:

1. complaints involving, or raising the possibility of a risk of, child abuse or other harm occurring at the College or a College event, or by a staff member
2. complaints alleging a breach of the Child Safeguarding Codes of Conduct that involves, or raises the possibility of a risk of, child abuse or other harm by a staff member^{**}.

These kinds of child safeguarding-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the EREA Director of Safeguarding) to be managed pursuant to relevant policies and procedures in the Child Safeguarding Program.

The Principal may, where appropriate, delegate management of these kinds of child safeguarding-related complaints to a Child Safeguarding Officer.

Relevant policies and procedures for managing these kinds of child safeguarding-related complaints include, but are not limited to, Reportable Conduct Policies and Procedures, Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures, Mandatory Reporting to DFFH Child Protection Policy and Procedures, Reporting to Police Policies and Procedures and Duty to Protect/Failure to Protect Policy and Procedures.

(b) Other child safeguarding-related complaints that are managed under the Child Safeguarding Program

The following child safeguarding-related complaints must be managed pursuant to any relevant policies and procedures in this Child Safeguarding Program:

1. complaints about the College's investigation of and/or response to a specific incident of or concern about child abuse and other harm to a child
2. complaints that the College, when responding to a specific incident of or concern about child abuse and other harm to a child, has not correctly followed the College's own policies (for example, a complaint that we did not follow our Reporting Teacher Misconduct to the Victorian Institute of Teaching or Reportable Conduct Policy and Procedures)
3. complaints that the College has not followed specific legislative or regulatory requirements regarding child safeguarding in relation to a specific incident of or concern about child abuse or other harm to a child (for example, a complaint that we shared information about a child safety incident or concern with an external agency when not permitted by law to do so).

These kinds of child safeguarding-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the EREA Director of Safeguarding) to be managed pursuant to relevant policies and procedures in the Child Safeguarding Program.

The Principal may, where appropriate, delegate management of these kinds of child safeguarding-related complaints to a Child Safeguarding Officer.

Relevant policies and procedures for managing these kinds of child safeguarding-related complaints include, but are not limited to, Compliance and Breach (Child Safeguarding) Policy and Procedures and Regular Reviews and Continuous Improvement Policy and Procedures.

(c) Child safeguarding-related complaints that may be managed under other College policies and procedures

The following child safeguarding-related complaints may be managed pursuant to other relevant College policies and procedures:

1. complaints alleging a breach of the Child Safeguarding Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child by a staff member (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of students)
2. complaints alleging procedural breaches of the Child Safeguarding Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child (for example, a complaint that a staff member has not renewed their WWC clearance)
3. general complaints about our child safeguarding policies and procedures themselves (for example, a complaint that our policies and procedures do not accurately reflect the law or that they do not take into account the needs of a particular student or community cohort).

Although these kinds of child safeguarding-related complaints may be managed pursuant to other relevant College policies, the Complaints Officer or other person managing the complaint should – where appropriate - consult with a Child Safeguarding Officer as part of the investigation.

With respect to 3. above, given the high risk to the College of not having a compliant Child Safeguarding Program, it is likely that the outcome of these kinds of complaints will need to be reported to the EREA Board.

Relevant policies and procedures for managing these kinds of child safeguarding-related complaints include, but are not limited to, our Complaints Handling Program and/or our Human Resources policies and procedures.

(d) Guidance and Resources for Managing Child Safeguarding-Related Complaints

The Complaints Handling Program provides guidance on complaints handling principles and a step-by-step guide to managing a complaint.

The National Office for Child Safety publishes a guide for complaints that involve children and young people: Complaint Handling Guide: Upholding the rights of children and young people.

Our Reportable Conduct Policies and Procedures and Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures set out procedures that will be followed for complaints about inappropriate conduct by staff members.

4. Internal Reviews of Child Safeguarding-Related Complaint Outcomes

Complainants or other persons who are involved in the matter (for example, a staff, member whose behaviour is the subject of the complaint, a student who is the victim of the alleged behaviour or their

parent/carer) and who are not satisfied with the management of a child safeguarding-related complaint or its outcome may request an internal review of:

- procedures undertaken
- findings made
- disciplinary actions proposed or taken
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the The Principal.

Internal reviews are undertaken by the College Executive.

5. General Reviews of Child Safeguarding Complaints Management

The College regularly reviews child safeguarding-related complaints to ensure that any child safety-related feedback, comments or complaints from the College community members and relevant stakeholders are captured, analysed and acted on where appropriate.

In particular, child safeguarding-related complaints are regularly analysed to identify causes and systemic failures to inform continuous improvement.

Our Child Safeguarding Complaints Management Policy and Procedures is also itself regularly reviewed as part of our reviews of the Child Safeguarding Program.

For more information, refer to [Regular Reviews and Continuous Improvement Policy and Procedures](#).

6. External Reviews for Overseas Student

If an overseas student is not satisfied with the outcome of the College's internal complaints handling process, they may lodge an external appeal through the Overseas Students Ombudsman (OSO) which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free. The contact details for the OSO are as follows:

- Email: ombudsman@ombudsman.gov.au
- Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111.
- Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)
- Postal: Commonwealth Ombudsman, GPO Box 442 Canberra ACT 2601.

- **Website:** <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

The College agrees to be bound to the OSO's recommendations, and will ensure that any recommendations made are implemented within 30 days of receipt of the report.

Implementation

This Policy and its Procedure are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. The policies and procedures are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in the [EREA Complaints Handling Policy](#) and our public-facing Child Safeguarding Complaints Management Policy and Procedures, which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

A child-friendly version of this Policy and its Procedures is also provided to students.

Breach of Child Safeguarding Complaints Management Policies and Procedures

St Patrick's College enforces this section of our Child Safeguarding Program. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Child Safeguarding Complaints Management Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Complaints Handling Policy](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety and Wellbeing Policies and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- Anonymous Feedback Mechanism

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 7
- [Ministerial Order 1359](#), Clauses 11.1 and 11.2
- [National Principles for Child Safe Organisations](#), Principle 6
- [National Catholic Safeguarding Standards](#), Standard 6
- [EREA Child Safeguarding Standards Framework](#) Standard 6

Related Forms and Documents

- Headspace - https://headspace.org.au/?gclid=EAlaIqObChMlylvz-vyN-AIVNIZLBR0JswCrEAAYASAAEgKn_vD_BwE
- The Orange Door - <https://www.orangedoor.vic.gov.au/>
- eSafety Commission - https://www.esafety.gov.au/?gclid=EAlaIqObChMloKiApP2N-AIVCplmAh05hgW3EAAYASAAEg_LZYfD_BwE&gclsrc=aw.ds
- Beyond Blue – Young People - <https://www.beyondblue.org.au/who-does-it-affect/young-people>

Resources and References

National Office of Child Safety, [Complaint Handling Guide: Upholding the rights of children and young people](#)

Policy Administration

Status – Draft, Current or	Draft
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Archived	
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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Child Safeguarding Roles and Responsibilities Policy

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding Responsibilities, as set out in the Policy Administration section, below.

Ministerial Order 1359 requires the EREA Board to ensure that the College's policies and procedures for responding to complaints or concerns relating to child abuse clearly outline the roles and responsibilities of leadership, school staff, school boarding premises staff and Volunteers.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

Society as a whole shares responsibility for promoting the safety and protection of children and young people from abuse. In the College context, all members of the College community have their role to play – teachers, Staff, administrators, parents/carers and other family members, Volunteers, Contractors and students.

That said, the College's Principal are committed to 'leading from the front' and engaging in a preventative, proactive and participatory approach to child safety.

Students are encouraged to take an active role in developing and maintaining a child safe environment at the College and are provided with opportunities to contribute and give feedback in the development of the College's policies and practices. Students also have and are made aware of the different avenues available to them to disclose abuse, harm or concerns for their safety or the safety of others.

This Policy sets out the roles and responsibilities that specific members of the College's community have with respect to child safeguarding at the College in general and the Child Safeguarding Program as a whole. This includes, but is not limited to, roles and responsibilities relating to responding to child safety incidents and concerns, and to handling child safeguarding-related complaints.

The roles and responsibilities set out below apply to each Policy and its Procedures in the Child Safeguarding Program.

Additional roles and responsibilities that relate to individual Policies and their Procedures are set out in the relevant Policy and its Procedures.

Principles

EREA and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the establishment of child safeguarding roles and responsibilities at the College.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy applies to Staff, Volunteers and Contractors, as well as the EREA Board.

It applies in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy can be found in Child Safeguarding Program Definitions and Definitions and Key Indicators of Child Abuse and Other Harm.

Of particular importance to this Policy are the following additional key definitions:

“Child-Connected Work”

For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority or the provider of school boarding services and performed by an adult

in a school or school boarding premises environment while children are present or reasonably expected to be present.

Under this definition, all **staff members** are engaged in child-connected work.

Under this definition, many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does. For example, a consultant engaged by the College to work with the College Advisory Council and who attends the College for meetings during school hours when children are present is not engaged in “child-related work” but is engaged in “child-connected work”.

“Child-Related Work”

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the College and the Boarding School, and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing authority*
- a contracted service provider (whether or not a body corporate or

- any other person is an intermediary) engaged by a school governing authority to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

* The engagement or employment of Staff and Contractors at the College (other than the Principal/Head of Campus, Deputy Principal and the Business Manager) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members, as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school staff”, no matter their age or the frequency of their engagement.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding premises environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

* The engagement or employment of all Staff and Contractors at the Boarding House is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding House, all Staff, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”, no matter their age or the frequency of their engagement.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College Advisory Council members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is a someone who performs work for the College in a school environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. **All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.**
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that **do not involve direct contact with students** (although there could be indirect or incidental contact), and **who do this more than seven times per year** (such as Volunteers working the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). **Regular Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that **do not involve direct contact with students** (although there could be indirect or incidental contact) or whose services are aimed at the general public, and **who do this seven times or less per year** (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). **Casual Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**

St Patrick's College's Policy

Roles relevant to child safeguarding at the College, and to the College's Child Safeguarding Program, are:

- Trustees of Edmund Rice Education Australia
- The EREA Board
- The EREA Board's Child Safeguarding Champion
- The Executive Director of EREA
- The EREA Director of Safeguarding
- EREA Regional Directors
- The Principal
- The College Advisory Council
- The Principal
- Child Safeguarding Officers
- Staff
- Volunteers
- Contractors
- External Education Providers

The EREA Board and St Patrick's College have assigned general child safeguarding responsibilities to the above roles as set out in **Child Safeguarding Roles and Responsibilities at St Patrick's College**, below.

Child Safeguarding Roles and Responsibilities at St Patrick's College

Trustees of Edmund Rice Education Australia's Responsibilities

Trustees of Edmund Rice Education Australia (TEREA) is the governing body of the association (EREA) and the proprietor of the College.

The EREA Board's Responsibilities

The Edmund Rice Education Australia Board (EREA Board), appointed by TEREA, is St Patrick's College's "school governing authority" and "school boarding premises governing authority" for the purposes of Ministerial Order 1359.

The EREA Board has responsibility for EREA's strategic directions, operational policy and risk management frameworks.

The EREA Board is responsible for:

- acquiring and keeping up-to-date knowledge of child safety and wellbeing issues
- understanding the nature of EREA-governed schools' operations and the child safety and wellbeing risks associated with these operations
- ensuring that EREA-governed schools have appropriate processes for receiving and considering information regarding child safety and wellbeing issues and are able to respond in a timely way to that information
- approving and reviewing EREA-governed schools' child safety and wellbeing policies and procedures to ensure that they have and implement processes to comply with Ministerial Order 1359 and other child safety and wellbeing legal and regulatory obligations
- ensuring that EREA-governed schools have developed and implemented ongoing monitoring processes to verify the provision and use of the resources that have been allocated to manage child safeguarding obligations within each school and evaluate their effectiveness.

The EREA Board has delegated its functions relating to the operational management and implementation of the Child Safeguarding Program to the Principal.

The EREA Board's Child Safeguarding Champion's Responsibilities

One member of the EREA Board is appointed or identified as a Child Safeguarding Champion. The Child Safeguarding Champion is responsible for ensuring that child safeguarding is prioritised, modelled and championed at the EREA Board level. The Child Safeguarding Champion drives the EREA Board's child safeguarding responsibilities by ensuring the EREA Board meets those responsibilities.

The EREA Board's Child Safeguarding Champion is the Chair of the Child Safeguarding Committee.

The Executive Director of EREA's Responsibilities

The Executive Director of EREA (EREA Executive Director) implements the strategy and policy approved by the EREA Board and appoints staff to fulfil the leadership, management and operational structures of EREA.

The EREA Executive Director is responsible for:

- ensuring that EREA-governed schools have appropriate resources to effectively implement their Child Safeguarding Programs and EREA's Child Safeguarding Standards Framework

- ensuring that sound governance and management practices are applied and that EREA-governed schools and entities meet their obligations and legislative requirements as defined in the EREA Safeguarding Standards Framework
- ensuring those delegated to employ in EREA screen employees in accordance with relevant State/Territory legislative requirements
- monitoring and assuring appropriate and timely reporting to the EREA Board to enable Board members to discharge their responsibilities.

The Executive Director is the “head” of the College for the purposes of the Reportable Conduct Scheme. For more information, refer to the [Reportable Conduct Policies and Procedures](#).

The EREA Director of Safeguarding’s Responsibilities

The EREA Director of Safeguarding supports each EREA-governed school to comply with relevant child protection legislation, the EREA Commitment Statement to Child Safety, and the EREA Child Safety Code of Conduct.

The EREA Director of Safeguarding is responsible for:

- supporting and advising the Principal in relation to relevant child protection legislation and the implementation of the College's Child Safeguarding Program
- supporting EREA-governed schools and entities to have in place and implement policies and procedures that support the safety, protection and wellbeing of children and young people under their care
- ensuring that EREA’s Child Safeguarding Standards Framework is understood and implemented by EREA-governed schools and entities
- supporting EREA-governed schools and entities to meet their obligations and legislative requirements as defined in the Framework
- supporting the College in enhancing a culture of care and safety for all, especially for children and young people.
- reporting to the EREA Board through the Executive Director.

For the purposes of the Reportable Conduct Scheme, the EREA Director of Safeguarding has been authorised, by the EREA Executive Director, to undertake responsibility for reporting and investigating Reportable Allegations that involve the Principal, EREA national and regional office Staff, Volunteers and Contractors, and members of the EREA Board, under our [Reportable Conduct Policies and Procedures](#).

The EREA Regional Director's Responsibilities

Each EREA Regional Director is responsible for:

- supporting EREA-governed schools and entities in their region to maintain the highest standards in relation to the protection of children
- ensuring that written reports of abuse or potential abuse of a child are received and promptly reported to Police, the EREA Executive Director and EREA Board Chair, the EREA Director of Safeguarding and the relevant authorities
- supporting and advising the Principal to ensure compliance, especially with non-government school registration and accreditation
- providing direction as necessary regarding compliance with EREA policy.

The Principal's Responsibilities

Operational management and implementation of the Child Safeguarding Program at the College has been delegated by the EREA Board to the Principal.

The Principal is ultimately responsible, and will be accountable for, taking all practical measures to ensure that:

- the College effectively implements the Child Safeguarding Program, and effectively deploys all available resources for that purpose
- appropriate College Child Safeguarding Officers are appointed and trained
- a strong and sustainable child safe culture is maintained within the College
- any child safety incidents or concerns are dealt with professionally and in a timely manner
- the EREA Board, through the EREA Executive Director, receives regular reports with respect to child safety matters involving the College
- all Staff, and relevant Volunteers and Contractors, are aware of the College's Child Safeguarding Program and trained in implementing the Program's processes and procedures
- the College is complying with its legal and regulatory obligations with respect to child protection.

The Principal may, when appropriate, call on the Principal for advice and support in the management and implementation of the College's Child Safeguarding Program.

For the purposes of the Reportable Conduct Scheme, the Principal has been authorised, by the EREA Executive Director, to undertake responsibility for reporting and investigating reportable allegations

under our Reportable Conduct Policies and Procedures, unless the allegations involve the Principal in which case the EREA Director of Safeguarding undertakes these responsibilities.

The College Advisory Council's Responsibilities

Under the EREA governance structure, the College Advisory Council is responsible for working collaboratively with the Principal to ensure consistency and faithfulness to the Charter for Catholic Schools in the Edmund Rice Tradition.

The Advisory Council:

- advises and supports the Principal on the implementation of strategies for monitoring and enhancing the College's identity and culture
- advises and supports the Principal in maintaining the College's strategies for safeguarding children and young people
- advises and supports the Principal on any matter referred to it by the Principal.

Responsibility for the day-to-day management and implementation of the College's child safeguarding policies and procedures rests with the Principal.

The Principal's Responsibilities

Each member of the Principal is required to ensure that appropriate resources are made available in their area of operations to allow the College's Child Safeguarding Program to be effectively implemented within the College, and to support the Principal in the practical application of the College's child safeguarding strategies, policies, procedures and work systems.

The College's Child Safeguarding Officers' Responsibilities

A number of staff members have been appointed as the College's Child Safeguarding Officers. Their names, positions and contact details can be found [here](#).

The appointment of our Child Safeguarding Officers is one strategy used at the College to meet Standard 2 of the Victorian Child Safe Standards and Clause 6 of Ministerial Order 1359 – Child safety and wellbeing is embedded in leadership, governance and culture.

Our Child Safeguarding Officers are selected based on a number of considerations, namely:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality

- their role within the College, for example, a person who has seniority and experience working with complex student and family issues at the College and someone who is readily accessible and available to all members of the College community
- their personal profile within the College, for example, a person who is approachable, who students and Staff trust and who is willing and able to respond to issues personally and sensitively.

Our Child Safeguarding Officers also receive special training that allows them to deal with child safety incidents or concerns both sensitively and effectively.

Key Responsibilities of the College's Child Safeguarding Officers

- having a good working knowledge of the College's Child Safeguarding Program
- acting as "Child Safeguarding Champions" and ensuring a strong and sustainable child safe culture is embedded within the College
- promoting child safety issues within the College community and responding to general queries with respect to the College's Child Safeguarding Program
- being a point of contact for Staff, or other members of the College community, raising child safety concerns within the College
- communicating the College's child safeguarding policies and procedures to all stakeholders including students, parents/carers, Staff, Volunteers and Contractors
- on behalf of the EREA Board and the Principal, ensuring that the College's Child Safeguarding Program is being effectively implemented
- on behalf of the EREA Board and the Principal, reviewing and managing particular aspects of the College's Child Safeguarding Program, and specifically the College's **Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures**
- ensuring that the College's Principal, all Staff, and relevant Volunteers and Contractors undertake child safeguarding training so that they are able to identify signs of abuse and other harm, understand how to respond and know when to make a referral either internally or to an external agency
- inducting and managing the training of new Staff, and relevant Volunteers and Contractors in particular aspects of the College's Child Safeguarding Program, specifically our **Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures**
- ensuring that there are clear procedures to allow people to report Reportable Conduct within the College
- providing all new Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors with a copy of the College's Child Safeguarding (Safety and Protection) Policy and

Procedures, the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, the Child Safeguarding Codes of Conduct and key contact numbers for reporting child safety concerns

- where authority is delegated from the Principal, promptly managing the College's response to a child safety incident or concern, and ensuring that the incident, allegation, disclosure or suspicion is taken seriously
- offering assistance and support when a member of the College community receives or makes a disclosure of abuse or other harm
- developing processes for minor corrective issues that don't need to be reported to an outside authority.

If a Child Safeguarding Officer cannot perform their role, for example, due to conflicts of interest or absence, these duties must be performed by either another Child Safeguarding Officer, the Principal or the Deputy Principal.

Our Senior Child Safeguarding Officer's and Boarding School Senior Child Safeguarding Officer's Responsibilities

The College has appointed a Senior Child Safeguarding Officer and Boarding School Senior Child Safeguarding Officer. Their contact details can be found [here](#).

The Senior Child Safeguarding Officer has an important role in the implementation and operation of our Child Safeguarding Program and is identified in our Child Safeguarding (Safety and Protection) Policy and Procedures and other public-facing documents as the individual who the wider community can contact when they have child safety concerns relating to the College. The Boarding School Senior Child Safeguarding Officer has a similar role.

Key Responsibilities of the Senior Child Safeguarding Officer and Boarding School Senior Child Safeguarding Officer

- being a first point of contact for all child safety concerns or queries for the wider community
- ensuring that other Child Safeguarding Officers understand and comply with their key responsibilities
- ensuring that all Child Safeguarding Officers undergo appropriate annual training in the College's Child Safeguarding Program, their legal responsibilities, and how to appropriately respond to child safety concerns and incidents
- coordinating the College's response to child safety incidents in consultation with the Principal, the Principal and EREA

- ensuring that the College's child safeguarding policies and procedures are effectively implemented and communicated to all relevant stakeholders.

Staff Responsibilities

All Staff, including full-time, part-time, casual, relief, teaching and non-teaching Staff, must, as a condition of their employment at the College, comply with the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct, be familiar with our Child Safeguarding Program and understand their legal obligations with respect to the reporting of child abuse and other harm and WWC Checks. All Staff must be aware of key indicators of abuse and other harm, be observant, and raise all child safety incidents and concerns with one of the College's Child Safeguarding Officers.

To meet these obligations, all Staff must:

- participate in child safeguarding induction and ongoing training provided by the College
- always follow the College's child safety and wellbeing policies and procedures in the Child Safeguarding Program
- act in accordance with the Child Safety Code of Conduct
- identify and raise child safety incidents and concerns in accordance with our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, and follow the PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending
- ensure that students views are taken seriously and their voices are heard when making decisions that affect them
- implement inclusive practices that respond to the diverse needs of students.

Volunteers' Responsibilities

Volunteers make a considerable contribution to the College community by giving their time and sharing their skills and expertise with others.

Most, but not all, Volunteers are engaged in child-connected work for the purposes of Ministerial Order 1359. Volunteers who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

Categories of Volunteer

St Patrick's College has identified three different categories of Volunteers, based on the level and frequency of their interaction with students: "Direct Contact Volunteers", "Regular Volunteers" and

“Casual Volunteers” (set out in the **Definitions**, above). Volunteers’ responsibilities and obligations under the Child Safeguarding Program may depend on their category.

Where the term “Volunteer” is used in the Child Safeguarding Program, the relevant responsibility or obligation applies to all “Direct Contact Volunteers”, “Regular Volunteers” and “Casual Volunteers”. However, some Policies and their Procedures specify the category of Volunteer to whom the relevant responsibilities or obligations apply.

Responsibilities and Obligations of Volunteers

All Volunteers at the College are responsible for contributing to the safety, wellbeing and protection of students in the College environment.

To meet these obligations:

- **all Volunteers**, irrespective of the degree of contact with students or the frequency or length of engagement, must:
 - comply with the College’s Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct
 - understand their legal obligations with respect to the reporting of child abuse and other harm and report child safety concerns to external agencies where required by law
 - raise all child safety concerns with one of the College’s Child Safeguarding Officers
- **Direct Contact Volunteers** must also:
 - hold a current WWC clearance; and
 - participate in child safeguarding induction and ongoing training provided by the College
- **Regular Volunteers** must also:
 - hold a current WWC clearance; and
 - either:
 - participate in modified child safeguarding training prior to commencing volunteer work at the College; or
 - receive and acknowledge information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct
- **Casual Volunteers** must also:
 - either:
 - hold a current WWC clearance if required by law or by the College to do so; or
 - at the College’s discretion, complete and provide to the College a Statutory Declaration that they have no offences that would result in a WWC exclusion being issued to them under the Worker Screening Act 2020 (Vic) and an Undertaking to

advise the College if they are convicted of an offence that would result in a WWC exclusion

- receive and acknowledge information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct.

Volunteers can direct questions about child safety at the College to one of our Child Safeguarding Officers.

Contractors' Responsibilities

Contractors are not employees of the College. However, Direct Contact Contractors are "school staff" or "school boarding premises staff" for the purposes of Ministerial Order 1359.

Some, but not all, Contractors are engaged in child-connected work for the purposes of Ministerial Order 1359. Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

Categories of Contractors

St Patrick's College has identified three different categories of Contractors, based on the level and frequency of their interaction with students: "Direct Contact Contractors", "Regular Contractors" and "Casual Contractors" (set out in the **Definitions**, above). Contractors' responsibilities and obligations under the Child Safeguarding Program may depend on their category.

Where the term "Contractor" is used, the relevant responsibility or obligation applies to all "Direct Contact Contractors", "Regular Contractors" and "Casual Contractor". However, some Policies and their Procedures specify the category of Contractor to whom the relevant responsibilities or obligations apply.

Responsibilities and Obligations of Contractors

All Contractors engaged by the College are responsible for contributing to the safety and protection of students in the College environment.

To meet these obligations:

- **all Contractors**, irrespective of the degree of contact with students, or the frequency or length of engagement must:
 - comply with the College's Child Safeguarding (Safety and Wellbeing) Policy and Procedures, and the Child Safety Code of Conduct

- understand their legal obligations with respect to the reporting of child abuse and other harm and report child safety concerns to external agencies where required by law
- raise all child safety concerns with one of the College Child Safeguarding Officers
- **Direct Contact Contractors** must also:
 - hold a current WWC clearance
 - participate in child safeguarding induction and ongoing training provided by the College
- **Regular Contractors** must also:
 - hold a current WWC clearance; and
 - either:
 - participate in modified child safeguarding training prior to commencing volunteer work at the College; or
 - receive and acknowledge information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct
- **Casual Contractors** must also:
 - either:
 - hold a current WWC clearance if required by law or the College to do so; or
 - at the College's discretion, complete and provide to the College a Statutory Declaration that they have no offences that would result in a WWC exclusion being issued to them under the Worker Screening Act 2020 (Vic) and an Undertaking to advise the College if they are convicted of an offence that would result in a WWC exclusion
 - receive and acknowledge information about the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct.

St Patrick's College may include these requirements in the written agreement between it and the Contractor.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the College.

Where a Contractor is engaged at short notice, making it impractical to undertake normal screening and/or briefing sessions/procedures, the College will take reasonable steps to ensure the safety of students at the College while the work is being completed.

Contractors can direct questions about child safety at the College to one of our Child Safeguarding Officers.

External Education Providers' Responsibilities

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.

For the purposes of our Child Safeguarding Program, External Education Providers are considered Direct Contact Contractors.

All External Education Providers engaged by the College are responsible for contributing to the safety and protection of children in the College environment.

All External Education Providers engaged by the College are required by the College to be familiar with our Child Safeguarding (Safety and Wellbeing) Policy and Procedures, and to adhere to the Child Safety Code of Conduct.

St Patrick's College may include this requirement in the written agreement between it and the External Education Provider.

Implementation

This Policy, and the roles and responsibilities it defines, are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

Parents/carers, students and the wider College community are advised about the roles and responsibilities in this Policy in summary in the Child Safeguarding (Safety and Wellbeing) Policy and Procedures, which is available on our public website and communicated through other mediums such as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Child Safeguarding Roles and Responsibilities

St Patrick's College enforces this Policy. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach Policy and Procedures \(Child Safeguarding\)](#).

Policy Review

A review of Child Safeguarding Responsibilities is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy is reviewed and updated as needed and for approving this Policy.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Statement of Commitment to Child Safety](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 2
- [Ministerial Order 1359](#), Clause 6
- [EREA Child Safeguarding Standards Framework](#), Standard 1
- [National Catholic Safeguarding Standards](#), Standard 1

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#)

References and Resources

- Department of Education and Training, [Strategies to embed a culture of child safety](#).
- Victorian Registration and Qualification Authority, Child Safe Standard 1: Strategies to embed an organisational culture of child safety – information checklist, which can be downloaded [here](#).

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Location	PolicyConnect

Child Safeguarding Record Keeping Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding Record Keeping Policy and Procedures, as set out in the Policy Administration section, below.

Standard 2 of the Victorian Child Safe Standards (and Standard 1 of both the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework), as well as multiple Victorian child safe organisation and child protection laws and regulations, all require the College to keep (and for Staff and Volunteers to understand their obligations to make) a variety of records related to child safeguarding.

To implement this Standard, Ministerial Order 1359 requires the EREA Board to create, maintain and dispose of records relevant to child safety and wellbeing in accordance with Public Record Office Victoria's Record Keeping Standards, and to develop a policy or statement that details the processes that the College has in place to meet these Standards.

Ministerial Order 1359 also requires the EREA Board to ensure that Staff and relevant Volunteers understand their record keeping obligations. In particular, it must ensure that "**school staff**" and "**school boarding premises staff**" who are engaged in "**child-connected work**" receive guidance on their record keeping obligations at least annually. Where appropriate to the nature and responsibilities of their role, **Volunteers** who are engaged in "child-connected work" must also receive guidance on relevant topics, including – if reasonable and necessary – on any record keeping obligations.

Purpose

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives.

At St Patrick's College we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child safeguarding, wellbeing, and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

Effective record keeping about child safeguarding at the College is one of the College's key strategies in the management of its child safe organisation and child protection obligations, including the fulfillment of our duty of care.

It is through such record keeping that the College can ensure that, should there ever be a need for evidence of the College's child safe culture, including precautions and preventative measures taken in response to the risk of child abuse or other harm, or of the College's response to particular child safety incidents or concerns, the College has well-documented and easily-accessible records.

This Policy and its Procedures set out the College's expectations, systems and procedures for creating and managing records relevant to the Child Safeguarding Program. They set out the College's processes for creating, maintaining and disposing of those records that are relevant to child safety and wellbeing in accordance with Public Record Office Victoria's Record Keeping Standards.

Our Records Management Policy details the general processes used at the College to meet all of the Public Record Office Victoria's Record Keeping Standards, including how we create and store records generally.

Principles

EREA and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing College environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Child Safeguarding Record Keeping Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

For the purposes of this Policy and its Procedures, references to the College include the Boarding School.

This Policy and its Procedures apply to all Staff and, where indicated in the Policy, to relevant Volunteers and Contractors.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions.

Of particular importance to this Policy and its Procedures are the following definitions.

"Child-Connected Work"

For the purposes of Ministerial Order 1359, "child-connected work" is defined as work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school or school boarding premises environment while children are present or reasonably expected to be present.

Under this definition, all **staff members** are engaged in child-connected work.

Under this definition, many, but not all, **Volunteers** and **Contractors** are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child Safety Incident or Concern”

The phrase “child safety incident or concern” refers to all of the different definitions of child abuse or other harm in various Victorian legislation, as well as breaches of the Child Safety Code of Conduct.

For a full definition of exactly what is included as a “child safety incident or concern” refer to the definition in Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures.

“Records Relevant to Child Safeguarding”

Records relevant to child safeguarding include not just records of child safety incidents or concerns and the College’s response, but also a number of other different types of records, such as:

- human resources records about recruitment, screening, supervision and training of Staff, Volunteers and Contractors
- records that can establish the whereabouts of children, Staff, Volunteers and Contractors on particular dates and times
- records of reviews/audits of the College’s child safeguarding policies and practices.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing body*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of Staff and Contractors at the College (other than the Principal, Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members, as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school staff”, no matter their age or the frequency of their engagement.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school.”

*The engagement or employment of all Staff and Contractors at the Boarding House is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding School, **all Staff, as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”, no matter their age or the frequency of their engagement.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and its Procedures and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is someone who performs work for the College without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- Direct Contact Volunteers/Contractors: Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in “child-connected work”.
- Regular Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Contact Volunteers/Contractors are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Contact Volunteers/Contractors are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, certain people have particular responsibilities under this section of the Child Safeguarding Program, which are set out in the Procedures below.

St Patrick's College's Policy

Records of Child Safety Incidents or Concerns and the College’s Response

1. Where a staff member, Volunteer or Contractor:

- believes on reasonable grounds that a student is in need of protection as a result of physical or sexual abuse, such that a Mandatory Report to DFFH Child Protection has been or will be made
- believes on reasonable grounds that a student is in need of protection for any reason or is in need of therapeutic treatment for sexually abusive behaviour, such that a Non-Mandatory Report to DFFH Child Protection has been or will be made

- has significant concerns for the wellbeing of a student, such that a Non-Mandatory Report to DFFH Child Protection has been or will be made
- believes on reasonable grounds that a sexual offence has been committed against a child, or that student sexual offending has occurred, such that a Mandatory Report to Police has been or will be made
- believes that other circumstances exist such that a Non-Mandatory Report to Police is required,

they must make written and dated notes of their observations and concerns to assist in reporting the concerns to DFFH Child Protection or Police.

For information about when and how to make these external reports, refer to Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures.

2. All other observations of and verbal and written communications about child safety incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls) must also be properly documented, regardless of whether or not the child safety incident or concern meets the relevant thresholds for external reporting.

Records of Working with Children Check Documentation

1. WWC Check Records of Staff and Contractors*

The College must record electronically, in a consolidated register, the following information for all staff members and relevant Contractors who are required to hold a WWC clearance:

- first name
- family name
- date of birth
- WWC Check Application Receipt Number (if a valid card or WWC Check Card Number can't be produced for verification)
- WWC Check Card Number
- date and outcome of WWC clearance verification
- expiry date
- notices sent by Working with Children Check Victoria
- notices provided by the worker.

2. WWC Check Records of Volunteers*

The College must record (either electronically or in hard copy format) the following information for relevant Volunteers who are required to hold a WWC clearance:

- full name
- date of birth
- WWC Check Application Receipt Number(if a valid card or WWC Check Card Number can't be produced for verification)
- WWC Check Card Number
- date and outcome of WWC clearance verification
- expiry date
- notices sent by Working with Children Check Victoria.

3. Statutory Declarations and Undertakings*

The College, must keep the following information for Volunteers and Contractors who are required by the College to complete a Statutory Declaration and Undertaking:

- full name
- date of birth
- completed statutory declaration
- completed undertaking

*Note: For information about which Volunteers and Contractors at the College are required to have a valid WWC clearance and which may be required to complete a Statutory Declaration and Undertaking, refer to our Working with Children Checks Policy and Procedures.

Records of Teacher Registration and VIT Notifications

Under our Teacher Registration Policy, St Patrick's College maintains a register of the registration status of all teachers at the College. That register includes:

- each teacher's full name
- each teacher's registration number
- the VIT category of registration
- the expiry and renewal date of the teacher's registration
- a record of the date and type of any notifications made to the Victorian Institute of Teaching (VIT) by the College about a registered teacher.

For information about notifications to the VIT, refer to the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#).

Reportable Conduct Records

When a reportable allegation is made, certain information must be documented throughout the Reportable Conduct investigation process:

- the allegation
- the College's initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- the Investigation Plan, detailing how the investigation is to be carried out
- the Stage One risk assessment
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times
- any decisions made, both during and at the conclusion of the investigation, including their rationale, the position and name of the person making the decision and the date the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and, where appropriate, the reason for the contact)
- the Investigation Report
- the final report for the Commission for Children and Young People (CCYP) that sets out details of the findings in relation to each allegation and the reasons for the findings, the final risk assessment which includes any final decision about the employee and the factors that have been considered and any subsequent action that is to be or has been taken.

For information about the Reportable Conduct Scheme, refer to [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#).

Other Child Safeguarding Human Resources Management Records

St Patrick's College maintains other records related to human resources management, including those related to our [Child Safeguarding Recruitment Policy and Procedures](#) and [Child Safeguarding Training and Supervision Policy and Procedures](#), pursuant to our general [Human Resources](#) policies and procedures. These include records in relation to:

- recruitment, screening and suitability assessment
- supervision, performance reviews and professional development
- completion of child safeguarding training
- personnel files.

Record Keeping about Information Sharing

The College must record the following information when sharing, or responding to a request to share, information about the safety, welfare and wellbeing of a student at College (Information):

- who requested the Information and the date of the request (if any)
- who shared the Information
- why the Information was shared (e.g. whether it was shared pursuant to a statutory or other legal obligation)
- who the Information was shared with
- whether informed consent was sought from, and if so whether it was provided by, the student and/or their parent/carer
- the approval of the Information Sharing Manager to share the Information
- the date that the Information was shared.

For more information, refer to our [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#).

Documenting Other Child Safeguarding Actions (Institutional Duty of Care)

Due to section 91 of the Wrongs Act 1958 (Vic) (Wrongs Act) (explained in the **Procedures**, below), St Patrick's College must maintain accurate and comprehensive records not only of child safety incidents and concerns involving School Staff, Volunteers and Contractors, but also of:

- actions taken in response (including systemic reviews and resulting improvements)
- reviews of and improvements to our child safeguarding policies, procedures, work systems and strategies conducted every two years,

as these could be required as evidence in relation to possible future negligence claims against the College for damages in respect of child physical or sexual abuse.

Procedures

Records of Child Safety Incidents or Concerns and the College's Response

Documenting observations and communications about all child safety incidents or concerns, including those that do not meet the relevant threshold for external reporting, ensures that:

- all information about individual students can be taken into account should future child safety incidents or concerns arise
- any patterns that might arise from child safety incidents or concerns can inform reviews of our Child Safeguarding Program.

1. How to Document the Child Safety Incident or Concern

The College requires all staff members, Volunteers and Contractors to use:

- PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools to record all child safety incidents and concerns (other than student sexual offending), including observations, beliefs, suspicions, disclosures or allegations of child abuse or other harm, regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, Volunteer, Contractor or any other person
- the PROTECT Student Sexual Offending Record Keeping Template to record all observations, beliefs, suspicions, disclosures or allegations of student sexual offending.

For Volunteers and Contractors, a Child Safeguarding Officer may complete the form on their behalf.

These Template forms are provided by the DET and Child Protection for all Victorian schools, and are made available on the College's public website, internal intranet, and in hard copy at the College. Copies of the Templates are also available in the Additional Resources section of this Program.

The following information may assist when completing the form:

- Not all of the sections of the forms will be able to or will need to be filled out for every child safety incident or concern. Some of the information will already be held in the student's record and need not be repeated. Other parts of the forms may not apply to each situation.
- It is not staff members', Volunteers or Contractors' role to quiz the child or the person making the disclosure or allegation in order to complete the forms. They should only record what information is observed or offered during the incident, disclosure or allegation and then report the matter to a Child Safeguarding Officer or the Principal and any relevant external agencies in line with legal obligations.
- All records should include dates and times and enough detail to record key observations or conversations, especially those relating to a student's disclosure.

All completed forms must be given to one of the Child Safeguarding Officers or the Principal, or where the allegation involves the Principal, the EREA Director of Safeguarding.

Any other notes and records obtained or made by Staff, Volunteers or Contractors regarding child safety incidents or concerns should also be given to the Principal or a Child Safeguarding Officer. For example, these may include:

- handwritten notes taken during a disclosure by a student
- copies of any written reports made to the Police or external bodies about the matter
- if the allegation includes claims of inappropriate online activity, any digital copies of correspondence between the student and the person or staff member who is the subject of the allegation.

2. How to Document the College's Response

A Child Safeguarding Officer or the Principal, or where the allegation concerns the Principal, the EREA Director of Safeguarding, will:

- in conjunction with the relevant staff member, Volunteer or Contractor if required, record on the relevant form the various responses of the College as they occur
- complete the 'Process of Review' section of the relevant form between four to six weeks after an incident, suspicion or disclosure of abuse.

3. Record Maintenance

The College maintains records of these forms indefinitely.

The Senior Child Safety Officer-Deputy Principal-Richard Brodrick is responsible for keeping all records relating to child safety incidents or concerns, including records of allegations, investigations and findings made under the Child Safeguarding Program, up to date and secure.

Records are located A Confidential/Restricted File Library that only the School Principal, Deputy Principal and Assistant Principal-Pastoral Care & Wellbeing have access to..

When the child safety incident or concern relates to an allegation against a staff member, Volunteer or Contractor (including incidents, complaints or allegations of a breach of the Child Safeguarding Codes of Conduct), records may also be maintained as part of our general Human Resources Management records.

Records of Working with Children Check Documentation

It is the responsibility of the Human Resources Director and Risk & Compliance Manager to verify and record the WWC clearance status of all Staff and relevant Volunteers/Contractors.

It is the responsibility of the Human Resources Director and Risk & Compliance Manager to maintain a record of all Volunteers and Contractors required to complete the Statutory Declaration and Undertaking, and of the provision of these documents.

The College maintains these records for at least 50 years.

Records of Teacher Registration and VIT Notifications

It is the responsibility of Human Resources Manager to ensure that the register of teachers is kept up to date with relevant notifications.

The College maintains these records for at least 50 years.

Reportable Conduct Records

Where possible, Reportable Conduct records should be verbatim, verified, signed and dated by all involved.

All records created in accordance with our Reportable Conduct Policies and Procedures, including all allegations, outcomes of internal investigations and decisions to make or not make a Reportable Conduct report to the CCYP are maintained by the Deputy Principal-Senior Child Safeguarding Officer-Richard Brodrick. and stored A Confidential/Restricted File Library that only the School Principal, Deputy Principal and Assistant Principal-Pastoral Care & Wellbeing have access to..

These records are kept on a file that is separate to the employee's personnel file.

The College maintains these records indefinitely.

Other Child Safeguarding Human Resources Management Records

The College creates and maintains electronic records of all child safeguarding training completed by Staff and relevant Volunteers and Contractors through CompliLearn.

It is the responsibility of the the Director Human Resources in conjunction with Risk and Compliance Manager to record and maintain (electronically or hard copy format) all other records relating to child safeguarding human resources management.

The College maintains these records for at least 50 years.

Records About Information Sharing

Whenever a request for Information is made to the College or College otherwise shares Information, the Director of Human Resources must enter the Information sharing request proposal and/or response in our Information Sharing Register in CompliSpace Assurance.

The Information Sharing Register is reviewed in Principal meetings and key information is provided as necessary to the EREA Board.

All records created in accordance with the Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures are maintained by the Director of Human Resources and stored electronically in CompliSpace Assurance.

The College maintains these records indefinitely.

Documenting Other Child Safeguarding Actions (Institutional Duty of Care)

Section 91 of the Wrongs Act imposes a duty of care on the College, as a child-related organisation, to take reasonable precautions to:

- prevent the physical or sexual abuse of a child under its care, supervision or authority
- by an individual associated with the College.

If a victim of physical or sexual abuse, alleged to have occurred at the College or to have involved College Staff, Volunteers or Contractors, brings a negligence claim against the College, a court will presume that the College breached its duty of care unless the College can prove that it took reasonable precautions to prevent the abuse.

Whether or not the College has taken reasonable precautions to prevent the physical or sexual abuse of students will be assessed by the court in accordance with considerations set out in the Wrongs Act and case law.

The following records may assist in demonstrating reasonable precautions taken by the College to prevent the physical or sexual abuse of its students:

- records that document actions taken by the College in response to specific child safety incidents and concerns (refer to **Records of Child Safety Incidents or Concerns and the School's Response and Reportable Conduct Records**, above)
- records that document child safeguarding training provided to and completed by Staff and relevant Volunteers and Contractors (refer to Child Safeguarding Training and Supervision)

Policy and Procedures)

- records that document the implementation of the College's Child Safeguarding Risk Management Policy and Procedures
- records that document reviews and improvements of our child safeguarding policies, procedures, work practices and systems (refer to Regular Reviews and Continuous Improvement Policy and Procedures).

The College maintains these records for at least 50 years.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

They are made available to parents/carers, students and the wider College community in summary in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures, which is available on our public website, as well as **Complispace-PolicyConnect** ..

They are also available in hard copy by request.

Breach of Child Safeguarding Record Keeping Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to Compliance and Breach (Child Safeguarding) Policy and Procedures.

Policy Review

A review of the Child Safeguarding Record Keeping Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Statement of Commitment to Child Safety](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting\) Policy and Procedures](#)
- [General Records Management Policy](#) (for information on the College's general record keeping and record storage policies and procedures for meeting the Public Record Office Victoria's Record Keeping Standards)
- [Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)

Source of Obligation and Related Legislative Instruments

Child Safeguarding Record Keeping in General

- Victorian Child Safe Standards, Standard 2
- [Ministerial Order 1359](#), Clauses 6 and 12
- [National Catholic Safeguarding Standards](#), Standard 1
- [EREA Child Safeguarding Standards Framework](#), Standard 1

Records of Child Safety Incidents or Concerns and the School's Response

- [Ministerial Order 1359](#), Clause 11(3)(h)(iii)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

Records of Working with Children Check and Other Human Resources Documentation

- [Ministerial Order 1359](#), Clauses 10(2)(d) and (e) and 10(4)

- [Worker Screening Act 2020 \(Vic\)](#).

Records of Teacher Registration and VIT Notifications

- [Education and Training Reform Act 2006 \(Vic\)](#).

Documenting Other Child Safeguarding Actions

- [Wrongs Act 1958 \(Vic\)](#).

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department for Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending - a Template for All Victorian Schools](#)

• **Headspace** - https://headspace.org.au/?gclid=EAlaIQobChMIyIvz-vyN-AIVNIZLBR0JswCrEAAYASAAEgKn_vD_BwE

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#)

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board

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Risk Rating	High
Location	PolicyConnect

Student Participation and Empowerment Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Student Participation and Empowerment Policy and Procedures, as set out in the Policy Administration section, below.

To be a child safe environment, the College must enable and empower students to understand their rights and to participate in all the different decisions that affect them, not just those relating to child

safety and wellbeing.

Standard 3 of the Victorian Child Safe Standards (and Standard 2 of both the National Catholic Safeguarding Standards (NCSS) and the EREA Child Safeguarding Standards Framework) is that children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

To implement this Standard, Ministerial Order 1359 places specific obligations on the EREA Board to ensure that:

- the College and the Boarding School informs students about all of their rights, including to safety, information and participation
- the College and the Boarding School recognises the importance of friendships and encourages support from peers
- the College's and the Boarding School's Staff and Volunteers are aware of the signs of harm, and facilitate child-friendly ways for students to express their views, participate in decision-making and raise their concerns
- the College and the Boarding School have strategies to develop a culture that facilitates participation and responds to students' input
- the College and the Boarding School provides opportunities for students to participate and is responsive to their contributions.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

St Patrick's College places a high priority on promoting the empowerment of our students and their participation in all decisions that affect them, not just those relating to child safety and wellbeing. Establishing an environment of trust and inclusion at the College enables students to speak up if they have concerns.

St Patrick's College recognises that students may not disclose child safety incidents or concerns to the College because they:

- do not recognise behaviours as inappropriate, abusive or grooming behaviour; or
- do not know how to raise their concerns or make a complaint.

Having simple and accessible information for students about inappropriate behaviours and about the College's reporting and responding processes assists all students to develop the appropriate knowledge and skills to identify and communicate when they do not feel safe.

This Policy and its Procedures set out the policies, procedures, strategies and practices that the College uses to encourage the participation and empowerment of all students, to establish a child-friendly culture in which students are respected and taken seriously, to promote friendship and encourage peer support, and to provide opportunities for students to participate in decisions that affect them and to respond to their contributions.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

St Patrick's College and the EREA Board have a moral, legal and mission-driven responsibility to create nurturing College environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Student Participation and Empowerment Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Principles of Participation

The following three key principles underpin the College's approach to participation of students in decisions at or by the College that affect them:

- Empowerment: which involves students having greater control or say over their lives through participation.
- Purposeful Engagement: which involves students taking on valued roles, addressing issues that are relevant to them, and influencing real outcomes.
- Inclusiveness: which involves ensuring that all students are able to participate.

Scope

For the purposes this Policy and its Procedures, references to the College include the Boarding School.

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as “Staff” and “staff members” for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel) , and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular importance to this Policy and its Procedures are the following additional key definitions:

“Decisions that Affect Students”

Of particular relevance to this Policy and its Procedures is the requirement that students are able to participate in decisions that affect them.

“Decisions that affect students” are not limited to those relating to child safety and wellbeing. They include decisions about:

- organisational planning
- delivery of services
- management of facilities
- learning and assessment environments.

“Pastoral Care”

“Pastoral care” is the support given to students for their development as a person. It relates to the total care of students and involves tending to both the academic and non-academic needs of students, including their spiritual, emotional and social wellbeing.

“Resilience”

“Resilience” is the ability to cope and thrive in the face of negative events, challenges or adversity.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College's Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

Participation

1. As part of creating and maintaining a child safe environment at the College for all students, the College ensures that all students:
 - are engaged and involved in decisions that affect them
 - can express their views and raise concerns
 - have their views and opinions taken seriously
 - are educated about their rights
 - are included in policy consultation and development.
2. The College provides multiple age-appropriate platforms, set out in the **Procedures** below, to regularly seek students' views about, and to enable students to participate in, decisions that affect them.
3. The College actively seeks to understand what makes students feel safe in our organisation. We encourage students to provide feedback about child safety concerns and issues at the College, and implement strategies, set out in the **Procedures** below, to obtain feedback from its students.
4. The College takes all student contributions seriously, and documents and actively looks for ways to implement improvements to its child safety and wellbeing policies, procedures and practices that reflect these contributions.
5. The College is honest with students about the extent of their involvement in decision-making and gives feedback on how their views have been taken into account and if, and if so how, they have been actioned.

Developing and Maintaining a Child-Friendly Culture

1. The College is a child safe and child-centred organisation. We are committed to providing a safe, supportive and social environment, where students feel nurtured as they learn.

2. The College physical environments promote students' feelings of inclusion, participation and empowerment.
3. The College recognises the importance of friendships and peer support in helping students people feel safe and be less isolated. We actively support students to develop and sustain friendships and to receive support from peers through both formal programs and informal mechanisms, set out in the **Procedures** below.
4. The College is committed to ensuring that the information and procedures that we have to enable students to raise, and to respond to, child safety concerns are age-appropriate, simple, and accessible for all students, including students from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander students, students with disability, LGBTIQ+ students and other vulnerable students. For more information, refer to [Child Safeguarding Complaints Management Policy and Procedures](#).
5. The College openly displays contact details for independent child advocacy and child helpline services throughout the College and the Boarding School.
6. The College provides training and information to Staff, and relevant Volunteers and Contractors, about identifying signs of child abuse and other harm, and about how to help and encourage students to participate in decisions and to raise concerns. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).
7. The College takes a leadership role in raising community awareness of children's rights, child abuse and other harm and its prevention including by:
 - actively promoting and participating in civic engagement activities and campaigns which promote whole of community awareness of children's rights, child abuse and other harm, and prevention
 - encouraging students at the College to become involved in these activities and campaigns.

Pastoral Care

1. Standards of Behaviour for Students Attending the College

The College:

- has a [Student Code of Conduct](#), developed in consultation with students, that sets out standards of behaviour for all students attending the College, including behaviours relating to child safeguarding. The College promotes the Student Code of Conduct within the College.
- has policies on Bullying Prevention and Intervention, Student Use of Social Media and Harassment (Student Against Student). For more information, refer to our [Student Duty of Care Program](#).

- disciplines students who do not uphold these standards of behaviour using our student disciplinary procedures, but also supports these students to address and mitigate behaviours that are not in line with the Code and any underlying factors
- encourages students to tell a trusted adult, whether it's a parent/carer or other family member, a trusted teacher or a Child Safeguarding Officer, when they feel unsafe as a result of or are otherwise impacted by the behaviour of other students.

2. Child Safety and Wellbeing Curriculum

The College delivers age-appropriate information and education to all students about:

- healthy and respectful relationships (including sexuality)
- child abuse awareness and the right to be safe
- children and young people's rights to make decisions about their body and their privacy
- how they can raise concerns about abuse
- resilience and coping with adversity
- the College's response to child safety incidents and concerns, including that any concerns students raise will be taken seriously and responded to appropriately
- our Child Safeguarding (Safety and Wellbeing) Policy and Procedures, Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, Child Safety Code of Conduct and Student Code of Conduct.

Procedures

Participation

The College follows EREA's Empowering Student Voice and Participation framework to assist us to meet the above goals.

To encourage and enable students to participate in decisions that affect them, the College uses the following platforms and methods:

- providing students with access to sexual abuse prevention programmes and to relevant related information in a developmentally and age-appropriate way
- supporting children and young people to understand their rights, contributing to child safety planning and raising concerns
- promoting and encouraging children and young people's participation in decision-making
- seeking children and young people's views about what makes them feel safe and unsafe
- valuing and respecting children and young people's opinions

- establishing an environment of trust and inclusion that enables children to ask questions and speak up if they are worried or feel unsafe
- promoting children's participation provides valuable information about their experience
- facilitating means that children and young people are empowered to develop child-safe policies that are understandable and owned by them

To encourage and enable students to provide feedback specifically about safety and wellbeing concerns and issues, including when reviewing our child safeguarding policies, procedures and practices, the College employs a number of strategies, including:

Insert Child Safety Feedback Methods for Students

Developing and Maintaining a Child-Friendly Culture

The formal programs used at the College to support students to develop and sustain friendships and receive support from peers include:

Insert Description of Child Safe Pastoral Care Program(s)

Pastoral Care

1. Child Safety and Wellbeing Curriculum

The College includes the following topics in the curriculum for each year level:

Healthy and Respectful Relationships, Sexuality and Resilience

The teaching of healthy and respectful relationships, including sexuality, and skills relating to resilience assists students to grow and develop into healthy, mature adults, capable of realising their full potential.

Healthy and respectful relationships, sexuality and resilience education at the College is:

- imparted in the context of Catholic moral teachings leading to the formation of a Christian conscience
- enshrined in core pedagogical practices that are age-appropriate, respectful, sensitive of culture and family background and differentiated to support the learning and developmental needs of the child or young person
- endorsed by the EREA Board.

Child Abuse Awareness and Prevention

The College's curriculum includes age-appropriate education for students on child safety awareness and child abuse and harm prevention, to build their capacity to:

- identify when they feel safe and unsafe and when they are at risk, including when online
- identify safe and unsafe touching (using the anatomical names for their body parts)
- promote their personal safety (avoiding harm where possible)
- seek help, using their identified safety networks
- overcome barriers to disclosure, for example guilt or disbelief.

The College considers best practice when providing access to or selecting providers of child abuse and harm prevention education.

2. Child Safeguarding Information and Communication

To ensure that students can identify inappropriate behaviour and know how to raise concerns, the College provides child-friendly versions of the following Policies and Procedures to all students:

List Policies with Child-Friendly Versions

The College also provides all students with information about the above topics, as well as other child safety and wellbeing topics, through various age-appropriate pastoral care initiatives and other communication methods, including:

Insert Communication Methods

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

They are made available to parents/carers, students and the wider School community in summary in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Student Participation and Empowerment Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Student Participation and Empowerment Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy is reviewed and updated as needed and for approving this Policy.

Source of Obligation

- Victorian Child Safe Standards, Standard 3
- [Ministerial Order 1359](#), Clause 7
- [National Catholic Safeguarding Standards](#), Standard 2
- [EREA Child Safeguarding Standards Framework](#), Standard 2

EREA and St Patrick's College Policy and Procedures Linkages

The Student Participation and Empowerment Policy and Procedures is to be read and understood in conjunction with:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Child Safeguarding Complaints Management Policy and Procedures](#)
- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)

- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#).
- [LGBTIQ+ Inclusion Policy and Procedures \(Child Safeguarding\)](#).
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Compliance and Breach \(Child Safeguarding\) Policy and Procedures.](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#)

References and Resources

- Victorian Commission for Children and Young People, NSW Office of the Children’s Guardian and the University of South Australia’s Australian Centre for Child Protection, [Participation and Empowerment: A guide for organisations working with children and young people](#), 2021
- EREA, [Empowering Student Voice and Participation](#), 2020.

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Risk Rating	High
Location	PolicyConnect

Family and Community Involvement in Child Safeguarding Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Family and Community Involvement in Child Safeguarding Policy and Procedures, as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement a variety of strategies to ensure that all members of the College community understand and are involved in decisions about child safety and wellbeing at the College.

In particular, Standard 4 of the Victorian Child Safe Standards is that families and communities are informed and involved in promoting child safety and wellbeing. To implement this Standard, Ministerial Order 1359 requires the EREA Board to develop a policy, statement or other documentation that details the strategies and actions the College will take to ensure that:

- families participate in decisions relating to child safety and wellbeing affecting their child
- the College engages and openly communicates with families and the College community about its child safe approach, and relevant information is accessible
- families and the College community have a say in the development and review of the College's policies and practices relating to child safety and wellbeing.
- families, carers and the College community are informed about the College's operations and governance related to child safety and wellbeing.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

St Patrick's College recognises that families are best placed to advise the College about their children's needs and capabilities, and can provide important information about practices and environments that are safe for their children.

Similarly, we recognise that the communities that are relevant to our students (such as Aboriginal and Torres Strait Islander communities or culturally and linguistically diverse communities from which students and their families may come) have a wealth of knowledge about the diverse needs that children from their community may have and about the additional vulnerabilities and barriers that these children and their families may face when those needs are not met.

This Policy and its Procedures set out the College's strategies, policies and procedures for enabling and empowering families and relevant communities to understand and be involved in child safeguarding at the College.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

St Patrick's College and the EREA Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Family and Community Involvement in Child Safeguarding Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors and to the EREA Board.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular importance to this Policy and its Procedures are the following additional key definitions:

“The College Community”

The College community includes:

- students and their families
- Staff, Volunteers and Contractors
- EREA
- the EREA Board
- people from relevant communities (the variety of communities that are relevant to the College, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and other communities that make up our Staff and student cohort)

- the local community in which the College operates.

The College has identified the following as its relevant communities:

Insert List of School Communities

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College's Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

The EREA Board and the College recognise that parents and carers have the primary responsibility for the upbringing and development of their children, and ensure that they participate in College decisions that affect their children, through the **Procedures** below.

The College ensures that the College community knows about the College's operations and governance relating to child safety and wellbeing and our approach to child safety and wellbeing, and that relevant information is accessible, by:

- publishing the following policies and procedures on our public website:
 - Child Safeguarding (Safety and Wellbeing) Policy and Procedures
 - Child Safety Codes of Conduct
 - Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures
 - EREA Complaints Handling Policy
 - public-facing Child Safeguarding Complaints Management Policy and Procedures
- communicating these through additional means, set out in **Procedures** below.

The EREA Board and the School involve families and relevant communities in:

- decisions about organisational planning, delivery of services, management of facilities, and learning and assessment environments at the College
- reviews of and improvements to the College's child safety and wellbeing policies and procedures,

as set out in the Procedures below.

Procedures

Family Participation in Decisions Affecting Their Child

The College enables parents and carers to participate in College decisions that affect their children, through:

- the following family involvement initiatives:

Insert Family Involvement Initiatives

- procedures for informing parents/carers about child safety incidents or concerns that may involve their child or that involve the College or its Staff, Volunteers and Contractors (for more information, refer to [Communicating with Parents and Carers About Internal and External Reports Policy and Procedures](#), [Information Sharing \(Child Safeguarding\) Policy and Procedures](#) and [Information Sharing About Reportable Conduct Investigations Procedures](#))
- specific strategies for involving parents/carers in reviews of and improvements to our child safety and wellbeing policies and procedures (for more information, refer to [Regular Reviews and Continuous Improvement Policy and Procedures](#)).

Community Involvement in Organisational Decisions

The College uses the following mechanisms to consult with relevant communities about organisational decisions and to involve them in reviews of child safety and wellbeing policies and procedures:

Insert Communication and Consultation Mechanisms

For more information, refer to:

- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#).
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#).
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#).
- [LGBTQI+ Inclusion Policy and Procedures \(Child Safeguarding\)](#).
- [Regular Reviews and Continuous Improvement Policy and Procedures](#).

Communicating the College's Child Safeguarding Approach

In addition to publishing relevant policies and procedures on our public website, and to the initiatives and strategies set out above, the College uses the following mechanisms to communicate the College's operations, governance and approach to child safeguarding:

Insert Communication Methods

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Family and Community Involvement in Child Safeguarding Policy and Procedure

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Family and Community Involvement in Child Safeguarding Policy and Procedure is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

St Patrick's College's Family and Community Involvement in Child Safeguarding Policy and Procedures implements:

- Victorian Child Safe Standards, Standards 4 and 10
- [Ministerial Order 1359](#), Clause 8
- [EREA Child Safeguarding Standards Framework](#), Standards 3 and 9
- [National Catholic Safeguarding Standards](#), Standards 3 and 9.

EREA and St Patrick's College Policy and Procedure Linkage

The Family and Community Involvement in Child Safeguarding Policy and Procedures is to be read and understood in conjunction with:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Information Sharing \(Child Safeguarding\) Policy and Procedures](#)
- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#)
- [LGBTIQ+ Inclusion Policy and Procedures \(Child Safeguarding\)](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

References and Resources

N/A

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Risk Rating	High
Location	PolicyConnect

Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding)

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding), as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement a variety of strategies to ensure the cultural safety of Aboriginal and Torres Strait Islander students and to respect and value these students, their families and their communities.

In particular, Standards 1 and 5 of the Victorian Child Safe Standards require the College to:

- establish a culturally safe environment for Aboriginal students in which their diverse and unique identities and experiences are respected and valued
- uphold equity and respect diverse needs in policy and practice, including by paying particular attention to the needs of Aboriginal children and young people.

To implement these Standards, Ministerial Order 1359 requires the EREA Board to develop and endorse a policy or statement that details the strategies and actions that the College and the Boarding School will take to meet a number of specific requirements relating to the cultural safety of Aboriginal and Torres Strait Islander students.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

St Patrick's College recognises the importance of every Aboriginal and Torres Strait Islander student feeling that their sense of self and their identity is valued by the people and environments that surround them. Cultural identity and cultural safety (defined below) are fundamental to a student's overall wellbeing and sense of safety.

The risk of abuse and other harm is heightened for Aboriginal and Torres Strait Islander students when they do not feel culturally safe. Aboriginal and Torres Strait Islander students may be less likely to disclose abuse or other harm due to a lack of cultural safety and fear of authorities intruding into their family and community, based on historical experiences of systemic racism and abuse.

Creating a culturally safe organisation for Aboriginal and Torres Strait Islander students requires a willingness to learn, understand and respond to the diversity of Aboriginal and Torres Strait Islander culture and to empower participation in decision-making at the College.

This Policy and its Procedures set out how the College promotes the cultural safety of Aboriginal and Torres Strait Islander students as required by the Victorian Child Safe Standards and Ministerial Order 1359, and how it meets those aspects of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework that relate to partnering with families, carers and communities and promoting equity and respecting diversity.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding).

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

For the purposes of this Policy and its Procedures, references to the College include the Boarding School.

This Policy and its Procedures apply to all Staff, Volunteers and Contractors.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel).

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular relevance to this Policy and its Procedures are the following key definitions.

“Cultural Safety”/“Culturally Safe”

“Cultural safety”, or a “culturally safe” environment, is a concept that goes beyond cultural awareness (knowledge and understanding of cultural differences and history) and cultural competence (culturally sensitive behaviour). It is about creating an environment where Aboriginal and Torres Strait Islander people are not only treated in a culturally respectful manner but are also empowered to actively participate and supported to carry out culturally significant tasks.

Roles and Responsibilities

In addition to relevant roles and responsibilities set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College’s Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

1. St Patrick's College values and respects the cultural diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that cultural differences do not compromise students’ safety and wellbeing.

2. The College:

- identifies children from Aboriginal and Torres Strait Islander backgrounds when they are enrolled in the College
- employs appropriate strategies to ensure the safety of these children as required
- encourages participation and empowerment of these children, their families and their communities in the development of these strategies
- considers these children when developing and implementing policies and procedures related to child safeguarding at the College
- educates our Staff about cultural safety and the strategies and procedures we have employed
- recognises that approaches to parenting vary considerably across culturally diverse groups, however, the safety of the student should always be the main consideration.

3. The College implements a number of strategies and initiatives, as set out in Procedures, below, to ensure that the College is a culturally safe environment for Aboriginal and Torres Strait Islander students.

Procedures

Some of the strategies and initiatives that St Patrick's College may implement to ensure that the College is a culturally safe environment for Aboriginal and Torres Strait Islander students include:

a child and young person's ability to express their culture and enjoy their cultural rights is encouraged and actively supported

strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal and Torres Strait Islander culture and understand its importance to the wellbeing and safety of Aboriginal and Torres Strait Islander children and young people

measures are adopted by the organisation to ensure racism within the organisation is identified, confronted, and not tolerated. Any instances of racism are addressed with appropriate consequences

the school actively supports and facilitates participation and inclusion within it by Aboriginal and Torres Strait Islander children, young people, and their families, caregivers, or guardians

all the school's policies, procedures, systems, and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal and Torres Strait Islander children, young people, and their families, caregivers, or guardians.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of the Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding)

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Aboriginal and Torres Strait Islander Students (Child Safeguarding) Policy and Procedure is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standards 1 and 5
- [Ministerial Order 1359](#), Clause 5
- [National Catholic Safeguarding Standards](#), Standard 4

- [EREA Child Safeguarding Standards Framework, Standard 4](#)

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)

Related Forms and Documents

- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#).

References and Resources

Commonwealth of Australia, Department of the Prime Minister and Cabinet, [Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations](#), 2021

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Review Frequency	2 Years
Next Review Date	July 2024
Document Classification	V-CS12
Risk Rating	High
Location	PolicyConnect

Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures (Child Safeguarding)

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures (Child Safeguarding), as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement a variety of strategies to ensure the safety of students from culturally and linguistically diverse backgrounds and to respect and value these students, their families and relevant communities.

In particular, Standard 5 of the Victorian Child Safe Standards requires the College to uphold equity and respect diverse needs in policy and practice.

To implement this Standard, Ministerial Order 1359 requires the EREA Board to develop and endorse a policy, statement or curriculum document that details the strategies and actions that the College and the Boarding School will take to meet a number of specific requirements relating to students from culturally and linguistically diverse backgrounds, including to:

- understand the diverse circumstances of students and to provide support and respond to vulnerable students
- provide access to information, support and complaints processes in ways that are accessible and easy to understand
- pay particular attention to the needs of vulnerable students, including in particular students from culturally and linguistically diverse backgrounds.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

Our College community includes people of many backgrounds, countries, ethnicities and languages. These families have experienced varied journeys, and some have experienced trauma, violence and harm.

This Policy and its Procedures set out how the College promotes the cultural safety of students from culturally and linguistically diverse backgrounds as required by the Victorian Child Safe Standards and Ministerial Order 1359, and how it meets those aspects of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework that relate to partnering with families, carers and communities and promoting equity and respecting diversity.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's

College in the development and regular review of the Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures (Child Safeguarding).

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, and on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions.

Students from Culturally and Linguistically Diverse Backgrounds

Students from “culturally and linguistically diverse backgrounds” are those who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents’ identification on a similar basis.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College’s Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard

the School Principal Steven O'Connor

St Patrick's College's Policy

1. St Patrick's College values and respects the cultural and linguistic diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that cultural differences do not compromise a student's safety and wellbeing.

2. The College:

- identifies children from culturally and linguistically diverse backgrounds when they are enrolled in the College
- employs appropriate strategies to ensure the safety of these children as required
- encourages participation and empowerment of these children, their families and their communities in the development of these strategies
- considers these children when developing and implementing policies and procedures related to child safeguarding at the College
- educates our Staff about cultural differences and the strategies and procedures that we have employed
- recognises that approaches to parenting vary considerably across culturally diverse groups, however, the safety of the student should always be the main consideration.

3. The College implements a number of strategies and initiatives, as set out in Procedures, below, to ensure that the College is a safe environment for culturally and linguistically diverse students.

Procedures

Some of the strategies and initiatives that St Patrick's College may implement to ensure and promote the safety of students from culturally and linguistically diverse backgrounds include:

a child and young person's ability to express their culture and enjoy their cultural rights is encouraged and actively supported

strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of culture and understand its importance to the wellbeing and safety of children and young people

measures are adopted by the organisation to ensure racism within the organisation is identified, confronted, and not tolerated. Any instances of racism are addressed with appropriate consequences

the school actively supports and facilitates participation and inclusion within it by including all Cultures children, young people, and their families, caregivers, or guardians

§All the school's policies, procedures, systems, and processes together create a culturally safe and inclusive environment and meet the needs of Culture's children, young people, and their families, caregivers, or guardians.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedure are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures (Child Safeguarding)

St Patrick's College enforces this section of our Child Safeguarding Program. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Students from Culturally and Linguistically Diverse Backgrounds (Child Safeguarding) Policy and Procedure is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 5
- [Ministerial Order 1359](#), Clause 9
- [National Catholic Safeguarding Standards](#), Standard 4
- [EREA Child Safeguarding Standards Framework](#), Standard 4

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [EREA Child Safeguarding Policy](#)

Related Forms and Documents

- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)

References and Resources

Commission for Children and Young People, [Tip Sheet: Child Safe Organisations – Safety of children from culturally and linguistically diverse backgrounds](#)

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au

Approver(s)	EREA Board
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Risk Rating	High
Location	PolicyConnect

Students with Disability Policy and Procedures (Child Safeguarding)

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's Students with Disability Policy and Procedures (Child Safeguarding), as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement a variety of strategies to ensure the safety of students with disability and to respect and value these students, their families and relevant communities.

In particular, Standard 5 of the Victorian Child Safe Standards requires the College to uphold equity and respect diverse needs in policy and practice.

To implement this Standard, Ministerial Order 1359 requires the EREA Board to develop and endorse a policy, statement or curriculum document that details the strategies and actions that the College and the Boarding School will take to meet a number of specific requirements relating to students with disability, including to:

- understand the diverse circumstances of students and to provide support and respond to vulnerable students
- provide access to information, support and complaints processes in ways that are accessible and easy to understand
- pay particular attention to the needs of vulnerable students, including in particular students with disability.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

St Patrick's College recognises the importance of promoting understanding and acceptance of diversity, including disability, to create and maintain a child safe environment.

The College has an obligation to students with disability to ensure that they are afforded the same level of educational and pastoral care as any other student at the College. and considers how each policy and procedure that the College establishes and implements may affect students with disability.

The College recognises that students with disability will not only require additional assistance to participate and engage in College activities in a safe and supportive manner, but also that there are specific child safety risks that arise in relation to students with disability. Children with disability are at a higher risk of abuse or other harm, such as harassment, bullying, humiliation and physical and sexual abuse, and are also often less likely to disclose abuse or other concerns about their safety.

This is because of:

- low levels of expectation held about their capacity to identify and report concerns

- reliance on caregivers for personal requirements
- limited provision of developmentally appropriate sexual and relationship information
- difficulties with speech, communication or literacy
- social isolation.

This Policy and its Procedures set out how the College promotes the safety of students with disability as required by the Victorian Child Safe Standards and Ministerial Order 1359, and how it meets those aspects of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework that relate to partnering with families, carers and communities and promoting equity and respecting diversity.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Students with Disability Policy and Procedures (Child Safeguarding).

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College's Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

1. St Patrick's College is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards (refer to our [Disability Discrimination Policy](#)).
2. The College does not stereotype or make assumptions about students' abilities, but rather recognises that each student is different and experiences their disability and the world differently.
3. The College considers how each policy and procedure that the College establishes and implements may affect students with disability.
4. The College implements a number of strategies and initiatives, as set out in Students with Disability Safety Strategies, below, to ensure that the College is a safe environment for students with disability.
5. The College implements specific risk controls in relation to the safety of students with disability, as set out in Students with Disability Safety Risk Controls, below.

Procedures

Students with Disability Safety Strategies

Some of the strategies and initiatives that St Patrick's College may implement to ensure and promote the safety of students with disability include:

A reasonable adjustment is a measure or action taken to assist students with disabilities to participate in their education on the same basis as their peers. Reasonable adjustments will be made for students with disabilities in consultation with the student, their parents or caregivers, their

teachers and if appropriate, their treating practitioners. The school may consult through Student Support Group processes and in other less formal ways

Students with Disability Safety Risk Controls

The specific risk controls, in relation to the safety of students with disability, implemented at the College include:

- actively nurture and promote a culture where everyone is treated with respect and dignity
- ensure that children and young people are not discriminated against (directly or indirectly) and where necessary, adjustments are made as required to participate in their education and school activities (e.g., schools sports, concerts, formals on the same basis as their peers
- acknowledge and respond to the diverse needs, identities, and strengths of all children and young person
- encourage empathy and fairness towards others
- challenge stereotypes that promote prejudicial and biased behaviours and practices
- contribute to positive learning, engagement, and wellbeing outcomes for children and young people
- respond to complaints and allegations appropriately and ensure that children and young people are not victimised.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Students with Disability Policy and Procedures (Child Safeguarding)

St Patrick's College enforces this section of our Child Safeguarding Program. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of

measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Students with Disability (Child Safeguarding) Policy and Procedure is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 5
- [Ministerial Order 1359](#), Clause 9
- [National Catholic Safeguarding Standards](#), Standard 4
- [EREA Child Safeguarding Standards Framework](#), Standard 4

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)

Related Forms and Documents

- [EREA Statement of Commitment to Child Safety](#)

References and Resources

Commission for Children and Young People, [Tip Sheet: Child Safe Organisations – Safety of children with a disability](#).

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding)

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality,

Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved St Patrick's College's LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding), as set out in the Policy Administration section, below.

To be a child safe environment, the College must have and implement a variety of strategies to ensure the safety of gay, lesbian, bisexual, transgender, intersex and queer (LGBTIQ+) students and to respect and value these students, their families and relevant communities.

In particular, Standard 5 of the Victorian Child Safe Standards requires the College to uphold equity and respect diverse needs in policy and practice.

To implement this Standard, Ministerial Order 1359 requires the EREA Board to develop and endorse a policy, statement or curriculum document that details the strategies and actions that the College and the Boarding School will take to meet a number of specific requirements relating to LGBTIQ+ students, including to:

- understand the diverse circumstances of students and to provide support and respond to vulnerable students
- provide access to information, support and complaints processes in ways that are accessible and easy to understand
- pay particular attention to the needs of vulnerable students, including in particular LGBTIQ+ students.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

St Patrick's College recognises the importance of promoting understanding and acceptance of diversity, including disability, to create and maintain a child safe environment.

This Policy and its Procedures set out how the College promotes the safety of LGBTIQ+ students as required by the Victorian Child Safe Standards and Ministerial Order 1359, and how it meets those

aspects of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework that relate to partnering with families, carers and communities and promoting equity and respecting diversity.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

St Patrick's College and the EREA Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding).

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular importance to this Policy and its Procedures are the following additional key definitions:

LGBTIQ+

Lesbian, gay, bisexual, transgender, intersex, queer, and asexual as well as minority gender identities and sexualities not otherwise mentions.

Gender Diverse

“Gender diverse” is a broad term that can apply to many people who don’t conform to, or identify with, traditional sex and gender norms. This term includes children and young people who may identify as transgender, genderqueer, gender questioning or who feel that their gender identity does not align with the sex assigned to them at birth and/or society’s expectations. The person may identify as neither male nor female.

Intersex

Under section 4 of the Sex Discrimination Act 1984 (Cth), “intersex” means the status of having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male; or
- a combination of female and male; or
- neither female nor male.

Although intersex people are often confused with transgender and gender diverse people, being intersex is not about gender identity and most intersex people identify as women or men. Research indicates that around 1.7 per cent of people are intersex.

Queer

“Queer” is as an umbrella term for sexuality and gender diverse people. It is also regarded as a proclamation of fearless difference, a self-identifying commitment to counterculture.

Transgender

A “transgender” person is someone whose gender identity does not match the gender that they were assigned at birth (e.g. a baby is assigned male at birth but grows up to identify as a woman). Research indicates that around 5 per cent of people are transgender.

Transition

The process by which a transgender or gender diverse person affirms their gender, whether through a name change, clothing, changing legal documents or medical steps. Transition is a process that is

different for everyone and it may or may not involve social, legal or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College's Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

1. St Patrick's College recognises the fundamental right of every child and young person to feel safe at the College and that a supportive and inclusive College environment is essential for providing quality learning opportunities for LGBTIQ+ students.

2. The College:

- fosters an educational environment that is safe, welcoming and free from stigma, harassment and discrimination for all students including LGBTIQ+ students
- ensures that all students have the opportunity to express themselves and live authentically
- develops and implements whole school initiatives within the College with a focus on helping LGBTIQ+ students feel safe and included
- implements bullying prevention strategies within the College on a continuous basis with a focus on teaching age appropriate skills and strategies to empower Staff, students and parents/carers to recognise bullying and respond appropriately
- reviews our support and inclusion initiatives for LGBTIQ+ students against best practice on an annual basis.

3. St Patrick's College is committed to fostering a culture of openness and celebration of diversity. This includes modelling exemplary behaviour, communicating the College's commitment to a safe learning environment and using LGBTIQ+ inclusive language.

Procedures

The strategies and initiatives that St Patrick's College implements to ensure and promote the safety of LGBTIQ+ students include:

- actively nurture and promote a culture where everyone is treated with respect and dignity
- ensure that children and young people are not discriminated against (directly or indirectly) and where necessary, adjustments are made as required to participate in their education and school activities (e.g., schools sports, concerts, formals on the same basis as their peers
- acknowledge and respond to the diverse needs, identities, and strengths of all children and young person
- encourage empathy and fairness towards others
- challenge stereotypes that promote prejudicial and biased behaviours and practices
- contribute to positive learning, engagement, and wellbeing outcomes for children and young people
- respond to complaints and allegations appropriately and ensure that children and young people are not victimised.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider School community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

It is also available in hard copy by request.

Breach of LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding)

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education

- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding) is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

St Patrick's College's LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding) implements:

- [Victorian Child Safe Standards](#), Standard 5
- [Ministerial Order 1359](#), Clause 9
- [National Catholic Safeguarding Standards](#), Standard 4
- [EREA Child Safeguarding Standards Framework](#), Standard 4

EREA and St Patrick's College Policy and Procedures Linkages

The LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding) is to be read and understood in conjunction with:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Student Participation and Empowerment Policy and Procedures](#)
- [Family and Community Involvement in Child Safeguarding Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)

Related Forms and Documents

- [EREA Statement of Commitment to Child Safety](#)

References and Resources

EREA, Safe and Inclusive Learning Communities, 2016

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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Next Review Date	July 2024
Document Classification	V-CS15
Risk Rating	High
Location	PolicyConnect

Child Safeguarding Recruitment Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding Recruitment Policy and Procedures, as set out in the Policy Administration section, below.

A child safe organisation must have recruitment and selection processes of Staff and relevant Volunteers and Contractors that promote child safety.

In particular, Ministerial Order 1359 requires (among other human resources-related requirements) the EREA Board to ensure that:

- recruitment advertisements for **school staff** and **school boarding premises staff** who will be engaged in **child-connected work** have a clear statement that sets out:
 - the job's requirements, duties and responsibilities regarding child safety and wellbeing
 - the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety and wellbeing
- all applicants for jobs that involve **child-connected work** are informed about the College's child safety practices (including the Child Safety Code of Conduct Policy and Procedures)
- when engaging school staff, school boarding premises staff, and Volunteers to perform **child-related work**, the EREA Board collects and records (if reasonable and appropriate in relation to Volunteers):
 - proof of personal identity
 - information about any essential or relevant professional or other qualifications
 - the person's history of work involving children
 - references that address the person's suitability for the job and working with children.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

At St Patrick's College we are committed to ensuring that our recruitment practices and our screening and suitability assessment procedures for potential College staff create a safe and supportive environment for all students.

To this end, in addition to our general Recruitment and Selection Procedures, we have established child safeguarding policies and procedures for recruiting those school staff and school boarding premises staff who will be engaged in child-connected work and for assessing their suitability to work with children.

In particular, St Patrick's College recognises that an over-reliance on WWC (working with children) Checks as the sole employment screening tool can in fact increase, rather than decrease, the risk of child abuse or harm. As a child safe organisation, this Policy and its Procedures require the College to implement additional screening selection processes for Staff and relevant Volunteers and Contractors that promote child safety.

This Policy and its Procedures set out the recruitment, screening and suitability assessment processes used at the College and that are designed to:

- select appropriate Staff (including members of the Principal, school boarding premises staff, and College EREA Victorian Schools Board), Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors
- discourage inappropriate people from working within the College.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Child Safeguarding Recruitment Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to the employment of all Staff (including members of the Principal, school boarding premises staff, and College EREA Victorian Schools Board members).

They also apply – where indicated below – to the engagement of relevant Volunteers and Contractors. However, the recruitment, suitability and assessment procedures used for Volunteer and Contractor roles may not include all, or may be modified versions of, these procedures, as set out below.

The same selection and screening procedures are used when proposing to receive clergy, religious or staff members from overseas or other Australian jurisdictions, who are currently engaged by the same entity as, or a similar entity to, St Patrick's College.

This Policy and its Procedures apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

This Policy and its Procedures do not apply to College students who are volunteering with/coaching or tutoring younger students at the College, but these students are required to abide by the College's Student Child Safeguarding Code of Conduct Policy and Procedures at all times.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions.

Of particular importance to the Child Safeguarding Human Resources policies and procedures are the following additional key definitions:

“Child-Connected Work”

For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school environment while children are present or reasonably expected to be present”.

Under this definition, all **staff members** are engaged in child-connected work.

Under this definition, many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does. For example, a consultant engaged by the College to work with the College EREA Victorian Schools Board and who attends the College for meetings during school hours when children are present is not engaged in “child-related work” but is engaged in “child-connected work”.

“Child-Related Work”

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the School College and the Boarding School, and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing authority*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the College (other than the Principal, the Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members as well as Direct Contact Contractors**, and any minister of religion, religious leader or an employee or officer of a religious body associated with the College are “school staff”, no matter their age or the frequency of their engagement.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the Boarding School is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding School, all Staff, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”, no matter their age or the frequency of their engagement.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is someone who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- Direct Contact Volunteers/Contractors: Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as volunteers and contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.
- Regular Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Volunteers/Contractors are NOT engaged in “child-related work” within the meaning of the Act. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Volunteers/Contractors are NOT engaged in “child-related work” within the meaning of the Act. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

- the College's Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- Director of Human Resources Narelle Laing
- the School Principal Steven O'Connor

St Patrick's College's Policy

Recruitment, Selection and Suitability Assessment Practices

When engaging Staff, Volunteers and Contractors at the College, the College implements:

- CECV Guidelines on the Employment of Staff in Catholic Schools
- CECV Guidelines on the Engagement of Volunteers in Catholic Schools
- CECV Guidelines on the Engagement of Contractors in Catholic Schools

(together referred to as the "CECV Guidelines").

Acknowledgment of Child Safeguarding (Safety and Wellbeing) Policy and Procedures and Child Safety Code of Conduct

All new Staff at the College must, as a condition of employment, sign a written statement indicating that they have read and acknowledge our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures prior to commencing at the College. These written acknowledgements are then required annually for ongoing Staff.

All Direct Contact and Regular Volunteers/Contractors must sign a written statement indicating that they have read and acknowledge our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures before being engaged by the College. These written acknowledgements are then required annually for ongoing Direct Contact and Regular Volunteers/Contractors.

Whenever possible and practicable, Casual Volunteers/Contractors are given a copy of, or information about, our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures when they are first engaged by the College.

Assessing the Suitability of Potential Staff and Contractors

Assessing suitability to work with children requires more than just criminal background checking. While the WWC Check is a useful tool to keep children safe, it is only one part of creating a child safe environment.

In addition to WWC Checks, St Patrick's College uses a range of screening procedures to assess the suitability of all applicants for Staff roles and individuals applying for Direct Contact Contractor and "child-connected" Regular Contractor roles. These include:

- personal identity verification and background checking, including National Police Checks for all Staff who do not have current VIT Registration
- verification of professional or other qualifications relevant to the job
- an examination of their history of child-connected work
- verbal reference checking that addresses the person's suitability for the job and working with children and young people
- specific selection criteria concerning attitudes to and the application of child safeguarding measures to which applicants must respond
- values-based interviewing.

Application to Direct Contact and Regular Volunteers

People that the College proposes to engage in Direct Contact Volunteer or "child-connected" Regular Volunteer roles may undergo the following screening (or modified versions of it, depending on their role) prior to commencing any work at the College:

- personal identity verification and background checking
- verification of professional and other qualifications if relevant to their role
- an examination of their history of child-related work
- reference checking that addresses the person's suitability for the job and working with children and young people.

This Policy and its Procedures do not apply to parents/carers of students who are volunteering in an activity in which their child is participating.

For information about the application of WWC Checks to Direct Contact and Regular Volunteers (including parent volunteers), refer to Working with Children Checks Policy and Procedures.

Application to Casual Volunteers/Contractors Engaged in "Child-Connected Work"

It may not generally be practicable for any of the above recruitment, screening and suitability assessment procedures to be applied to the engagement of Casual Volunteers or Casual Contractors, even if they are likely to undertake “child-connected work” while at the College. This is particularly the case for those who are engaged at short notice, such as emergency maintenance workers or Volunteers, other than parent volunteers, who fill in when another Volunteer does not attend their rostered activity.

In line with the College’s risk-based approach to child safety and protection, where it is not practicable to undertake relevant recruitment, screening and suitability assessment of a Casual Volunteer/Contractor, the College will undertake additional measures to ensure the safety of students at the College. These measures include but are not limited to:

Child Safeguarding Code of Conduct, Working with Children's Checks and Identification.

Recruitment Record Keeping

Recruitment records for all Staff, and engagement records for Direct Contact and Regular Volunteers/Contractors, including:

- applications and tenders, and any supporting documentation
- copies of identification verification documents
- notes of interviews, child-related work history check and reference check conversations

are held by the College pursuant to our Child Safeguarding Record Keeping Policy and Procedures and our General Records Management Policy.

Procedures

The following procedures set out specific ways in which the College implements some aspects of the CECV Guidelines.

Employment Advertising

All St Patrick's College job advertisements and employment packages clearly state our commitment to child safety.

Employment packages sent to all potential applicants include the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures.

Job Descriptions and Duty Statements

The College has developed clear job descriptions and duty statements (together called “position descriptions”) for each Staff position and for Direct Contact Contractor roles.

The College assesses all roles for the expected level of contact with children and implements appropriate child safe recruitment procedures for each position.

Position descriptions for Staff and Direct Contact Contractor roles clearly state:

- the College’s commitment to child safety
- the expected level of contact with children
- the duties and tasks of the role, including any specific requirements, duties and responsibilities relating to child safeguarding for those in the position
- the qualifications, experience and attributes applicants must have, including any requirement to have a WWC Check
- the level of responsibility and supervision with the position
- that there is a clear expectation to have and maintain a commitment to child safety.

The College has also developed duty statements for Direct Contact Volunteer roles and for Regular Volunteer/Contractor roles, or for generalised categories of these roles, including but not limited to those roles involved in child-connected work.

Duty statements for Direct Contact Volunteer roles and for Regular Volunteer/Contractor roles include a description of the role, the expectation to have and maintain a commitment to child safety and the requirement to comply with the College’s Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures.

The College informs all applicants for child-connected work at the College about the requirements of their role as set out in the relevant position description.

Identity Checks

The College confirms the identity of every applicant for employment as a staff member and of individuals applying for engagement as a Direct Contact or “child-connected” Regular Contractor, using the Victorian Institute of Teaching’s Identity Verification Documents.

Selection Criteria and Values-Based Interviewing

The College uses formal selection criteria and values-based interviewing to assess the suitability of applicants for all Staff roles, and of individuals applying for Direct Contact Contractor and “child-

connected” Regular Contractor roles. These processes may also be used when selecting Direct Contact Volunteers, depending on the specific role being undertaken by the Volunteer.

The College assesses an applicant based on the following areas, and includes these in our selection criteria and interview questions:

- motivation to work with children or an organisation where children are present or expected to be present (personal and/professional)
- understanding of children’s physical and emotional needs
- understanding of professional boundaries
- attitudes to children’s rights and how they can be upheld
- attitudes to, understanding of and ability to apply child safeguarding measures
- values (honesty, integrity, reliability, fairness and non-discrimination) and attitudes towards working with children.

Written responses to selection criteria and values-based interviews are critical when a staff member or Direct Contact Contractor will be working closely with students or will be working while students are present or expected to be present, particularly students that are more vulnerable or have special needs.

The College provides in-depth guidance to its human resources Staff so that they can identify factors in responses to selection criteria and interviews that could indicate that an applicant is not suitable for roles requiring child safe settings.

Verification of Professional Qualifications, Child-Connected Work History and Verbal Reference Checks

Professional Qualifications and Work History Checks

The professional qualifications, child-connected work histories and details provided by applicants in respect of previous employment are checked for accuracy by the College, for all applicants for Staff roles, and for individuals applying for Direct Contact Contractor and “child-connected” Regular Contractor roles.

This may occur as part of or separate to checking an applicant’s references.

Reference Checks

Reference checks are crucial for engaging Staff and relevant Contractors at the College – a failure to properly check applicants’ references can compromise the safety of students and the College.

Wherever possible, references are checked for all applicants for Staff roles, and for individuals applying for Direct Contact Contractor and “child-connected” Regular Contractor roles, as follows:

- we hold direct verbal conversations with at least two professional referees
- at least one referee provided by an applicant is their current or most recent direct supervisor
- we verify the identity of the referee being communicated
- at least one staff member who is on the interview panel is appropriately trained in undertaking reference checks and this person conducts these reference checks
- reference check conversations are appropriately documented.

Key questions asked of referees include:

- Have you observed the person interacting with children?
- Can you describe the types of relationships and interactions that the person has had with children?
- Would you employ the person again?
- Do you have any concerns about the applicant working directly with children?
- Are you comfortable knowing that the applicant might sometimes be working alone with children or when children are present or expected to be present?
- Did you have any disciplinary matters relating to the person or concerns about their adherence with the organisation’s Code of Conduct?

Child Safeguarding Recruitment and Other Legislation

Our recruitment practices are subject to state and Commonwealth anti-discrimination legislation (refer to our Workplace Bullying, Discrimination and Harassment policies) and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing, and storing information from applicants and referees (refer to our Privacy Program).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College’s PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures.

They are also available in hard copy by request.

Breach of Child Safeguarding Recruitment Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to the [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Child Safeguarding Recruitment Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

The Child Safeguarding Recruitment Policy and Procedures implements:

- [Victorian Child Safe Standards](#), Standard 6
- [Ministerial Order 1359](#), Clause 10
- [EREA Child Safeguarding Standards Framework](#), Standard 5
- [National Catholic Safeguarding Standards](#), Standard 5.

EREA and St Patrick's College Policy and Procedures Linkages

The Child Safeguarding Recruitment Policy and Procedures is to be read and understood in conjunction with:

- [Child Safety Code of Conduct Policy and Procedures](#)

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)

Related Forms and Documents

[EREA Statement of Commitment to Child Safety](#)

[NDIS/External Providers: Guidelines for Schools](#).

References and Resources

- Commission for Children and Young People, [Standard 4: human resource practices](#), 2018
- Department of Education and Training, [HR Practices for a Child Safe Environment](#), 2018
- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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Working with Children Checks Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Working with Children Checks Policy and Procedures, as set out in the Policy Administration section, below.

The Worker Screening Act 2020 (Vic) (the Act) aims to protect children and young people from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.

People who are assessed as posing an unjustifiable risk to the safety of children and young people fail the WWC (working with children) Check and the Act prohibits these people from working or volunteering with children. The Act imposes penalties for organisations and individuals that do not comply with the Act.

Ministerial Order 1359 requires that, when engaging **school staff, school boarding premises staff, or Volunteers** to perform **child-connected work**, the EREA Board must sight, verify and record the person's WWC Check clearance (if the person is required to have a clearance under the Act) or an equivalent background check where that is required (for example VIT teacher registration). The EREA Board need not, however, comply with this requirement if it has already undertaken these activities in relation to a particular individual within the previous 12 months.

Purpose

St Patrick's College holds the care, safety, and wellbeing of students as a central and fundamental responsibility. Under the Working With Children Act 2005 (WWC Act), subject to a number of exceptions, any worker who engages in child-related work that involves direct contact with a child (being a person under 18 years of age) must hold a Working With Children Check (WWCC). The WWC Act aims to protect children from harm by ensuring that people who work with, or care for, children have their suitability to do so checked by a government body.

The Victorian Registration Standards (sch 4 cl 5) (CECV Guidelines ref 5.2) require that the College complies with the requirements of the WWC Act, in respect of the employment of all staff at the College.

This Policy and its Procedures summarise the responsibilities and obligations of Staff, Volunteers, Contractors and others under the Act, under Ministerial Order 1359 and under the EREA Board and College policy.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Working with Children Checks Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, including Boarding School Staff, to Direct Contact Contractors and to certain Volunteer, other Contractors and Visitors as set out in the various subsections of the Policy and its Procedures. We refer to these together referred to as “workers” for the purposes of this Policy.

This Policy and Its Procedures apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

This Policy does not apply to College students who are volunteering with/coaching or tutoring younger students at the College, but these students are required to abide by the College's Student Code of Conduct at all times.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions.

Of particular importance to this Policy and its Procedures are the following additional key definitions:

“Work” and “Worker”

A person is referred to as a “worker” for the purposes of this Policy and its Procedures, if they are engaged in “work” for the College.

Work is defined in section 3 of the Act to mean:

- work engaged in:

- under a contract of employment or a contract for services (whether written or unwritten);
- as a minister of religion or as part of the duties of a religious vocation;
- as an officer of a body corporate, member of the committee of management of an unincorporated body or association, or member of a partnership
- practical training undertaken as part of an educational or vocational training course; and
- work engaged in as a Volunteer, including unpaid community work under a community or treatment order.

“Child-connected Work”

For the purposes of Ministerial Order 1359, “child-connected work” is defined as “work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school or school boarding premises environment while children are present or reasonably expected to be present”.

Under this definition, all **staff members**, are engaged in child-connected work.

Under this definition, many, but not all, **Volunteers** and **Contractors** are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does.

For example, a consultant engaged by the College to work with the College EREA Victorian Schools Board and who attends the College for meetings during school hours when children are present is not engaged in “child-related work” for the purposes of WWC Check obligations but **is** engaged in “child-connected work” for the purposes of Ministerial Order 1359.

“Child-related work”

Child-related work is defined in section 7 of the Act as voluntary or paid work:

- at or for a service, body or place, or that involves an activity, listed in section 9(3) of the Act (occupational categories); **and**
- that usually involves **direct contact** (defined below) with a child.

The occupational categories listed in the Act that may be relevant to the College include:

- education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic) (i.e. long day care, family day care, and outside school hours care)
- educational institutions (i.e. government and non-government schools)
- accommodation services specifically provided for students in connection with the operation of a student exchange program
- clubs, associations or movements (including of a cultural, recreational or sporting nature) that are for or directed at children or whose membership mainly comprises children
- religious organisations
- transport services specifically for children (i.e. school bus services and taxi services for children with a disability)
- coaching or tuition services of any kind specifically for children
- counselling or other support services for children
- overnight camps for children
- school crossing services.

However, work in these occupational categories is **not** “child-related work” if the work involves only occasional direct contact with children that is incidental to the work. For example, a consultant engaged by the College to work with the College EREA Victorian Schools Board and who attends the College for meetings during school hours (i.e. when they may have incidental contact with children) is likely not to be engaged in “child-related work”.

Under this definition, most Staff at the College and the Boarding School, and all Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work.

Child-Related Work for Ministers of Religion

The Act defines child-related work for ministers of religion more broadly than for other occupations. Under section 7(4) of the Act, **all** work engaged in by a minister of religion is considered child-related work **unless** any direct contact that they have with children during their work is only occasional and is incidental to their work.

Further, if the minister of religion is the appointed leader of a local religious congregation for an organised religious institution, and the congregation contains children, the minister is considered to be engaged in child-related work regardless of whether the minister of religion in fact has direct contact with children.

Therefore, ministers of religion who have children in their congregation, or who visit schools or school camps must have a WWC clearance.

An example of when a minister of religion would not be considered to be in child-related work (and therefore would not require a WWC clearance) is a minister conducting purely administrative roles within a church's bureaucracy.

"Direct Contact"

"Direct contact" with children is defined in section 3 of the Act as any contact between a person and a child that involves:

- physical contact;
- face-to-face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

It does not matter whether the contact occurs in the presence of or under the supervision of another person.

"School Staff"

"School staff" is a particular phrase used in Ministerial Order 1359, and is defined as "an individual working in a school environment who is:

- directly engaged or employed by a school governing body*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school".

*The engagement or employment of Staff and Contractors at the College (other than the Principal, Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, all staff members, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are "school staff".

"School Boarding Premises Staff"

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the Boarding School is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding School, all staff members, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and its Procedures and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is someone who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contract with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- Direct Contact Volunteers/Contractors: Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.
- Regular Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

“Visitors”

The term “Visitor” refers to any adult who attends a College or Boarding School event or who is in a College environment on a one-off or casual basis. Examples of Visitors who are relevant to this Policy and its Procedures include, but are not limited to:

- Casual Volunteers
- Casual Contractors
- people invited by the College or a staff member to attend a College or Boarding School event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, it is the responsibility of the The Principal to ensure that St Patrick's College complies with its obligations under this Policy and its Procedures.

St Patrick's College's Policy

1. Who Must Have a WWC Clearance?

Under the Act, and under EREA Board and College policy, the following workers at the College must have a WWC clearance:

- all the EREA Board members
- all Staff other than registered teachers (who are exempt)*
- all Direct Contact Volunteers (including parent volunteers)
- all Regular Volunteers (including parent volunteers)
- all Direct Contact Contractors
- all Regular Contractors
- ministers of religion and people performing duties of a religious vocation
- trainee teachers
- Visitors to the College who are engaged in “child-connected work” (including in particular Casual Volunteers and Casual Contractors), at the College’s discretion and depending on the purpose of the visit.

*The CECV Guidelines on the Employment of Staff in Catholic Schools require that all Staff who do not have current VIT Registration must also have a National Police Check prior to commencing their employment.

2. Statutory Declarations by People Who are Exempt from the WWC Check

Instead of a WWC clearance, the College may require – at its discretion and depending on the purpose of the visit – that a Visitor to the College who is engaged in “child-connected work” (including in particular a Casual Volunteer or Casual Contractor) complete and provide to the College:

- a Statutory Declaration that they have no offences that would result in a WWC exclusion being issued to them under the Act
- an Undertaking to advise the College if they are convicted of an offence that would result in a WWC exclusion.

These forms can be found [Statutory Declaration Form \(PDF 9KB - 1 page\) \(vocat.vic.gov.au\)](#).

3. Workers' Obligations

Workers must:

- provide their WWC Check Card and/or Application Receipt numbers to the College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, to their company) before commencing work at the College
- after receiving a **WWC clearance**, show their WWC Check Card to the College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, to their company), and to any other organisation where they do child-related work
- comply with their notification obligations under the Act
- stop working with children immediately if they receive a **WWC exclusion** or if their WWC Check Card is suspended or revoked
- not let another person use their WWC Check Card for child-related work
- lodge a renewal form before their WWC Check Card expires.

For more information, refer to the [WWC Check Procedures for Staff](#).

4. St Patrick's College's Obligations

The College must:

- know when our workers' **WWC clearances** expire and, on expiry, check that workers have renewed their WWC clearance
- ensure that new Staff and relevant Volunteers and Contractors notify WWCCV within 21 days of commencing child-related work with the College
- ensure that paid workers doing child-related work have an Employee WWC Check Card, not a Volunteer WWC Check Card
- respect and protect workers' privacy.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the College.

The College must not:

- engage or continue to engage anyone in child-related work who does not have a valid WWC clearance, unless they are exempt under the Act or unless they have lodged an application for a WWC Check that is currently being assessed (subject to the dot points below)

- engage or continue to engage anyone in child-related work who has a **WWC exclusion**, even if they are exempt (e.g. a parent volunteer cannot work or continue to work at the College if they have been issued with a WWC exclusion, even though they are legally exempt from having to have a WWC clearance when volunteering in an activity which involves their own child)
- allow people who are charged with, convicted or found guilty of certain sexual, violent or drug offences to work with or care for children while their WWC Check application is being processed or their WWC clearance is being reassessed
- allow people who are or who have become subject to reporting obligations under the Sex Offenders Registration Act, 2004 (Vic) or supervision or detention or emergency detention orders or excluded from child-related work under a corresponding working with children law to work with or care for children (it is an offence for people in these categories to even apply for a WWC Check)
- offer the services of any person who does not have a WWC clearance to another organisation if the work to be undertaken with that organisation is child-related work.

5. Record Keeping Obligations

The College will maintain all required records relating to WWC Check requirements. For the College's record keeping obligations relating to the WWC Check, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

Procedures

Key Exemptions Under the Act

The Act exempts some people (such as registered teachers, children aged under 18 and parents or close relatives volunteering in an activity in which their child participates or normally participates) from needing a WWC clearance in order to volunteer or otherwise work with children.

However, the College requires that certain people must have a valid WWC clearance to volunteer or otherwise work at the College even though they are exempt under the Act, as set out in **Who Must Have a WWC Clearance**, above.

Meeting St Patrick's College's Obligations

To meet its obligations, the College will:

- before engaging a new worker, verify the status of the person's WWC Check Card or application number using the WWCCV's online checking system, found [here](#)

- keep records for each worker to whom the WWC Check applies including:
 - full name
 - date of birth
 - WWC Check Application Receipt Number
 - WWC Check Card Number
 - date and outcome of WWC clearance
 - WWC clearance expiry date
 - notices sent by WWCCV
 - notices provided by the worker
- remove, immediately on being notified, any worker in either paid or voluntary child-related work:
 - whose WWC clearance is suspended or revoked; or
 - who is issued with a WWC exclusion.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor:

- verify the WWC clearance status of every person engaged by the Contractor to provide the contracted services to the College and provide to the College evidence of this verification;
- provide to the College a list of every person engaged by the Contractor to provide the contracted service to the College and their WWC Check Card or application receipt number; and/or
- keep all required WWC Check records for each person engaged by the Contractor to provide the contracted service to the College.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

This Policy and its Procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

They are also available in hard copy by request.

Breach of Working with Children Checks Policy and Procedure

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Working with Children Checks Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

- [Worker Screening Act 2020 \(Vic\)](#).
- [Ministerial Order 1359](#), Clause 10

EREA and St Patrick's College Policy and Procedures Linkages

The Working with Children Checks Policy and Procedures is to be read and understood in conjunction with:

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [WWC Check Procedures for Staff](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).

Related Forms and Documents

- WWCC Register

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- Staff Register

References and Resources

- Commission for Children and Young People, [Standard 4: human resource practices](#), 2018
- Department of Education and Training, [HR Practices for a Child Safe Environment](#), 2018
- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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WWC Check Procedure for Staff

Purpose

This Procedure sets out procedures and guiding information for Staff, Volunteers and Contractors (together referred to as “workers” for the purposes of this Procedure) about the WWC Check.

The Principles, Scope, Definitions, Roles and Responsibilities, and other information relevant to this Procedure are set out in the [Working with Children Checks Policy and Procedures](#).

Procedures

Meeting Workers’ Notification Obligations

Workers must:

- notify Working with Children Check Victoria (WWCCV), within 21 days, of:
 - any changes to their name, residential address, electronic address, birth date or phone numbers
 - any changes to the organisation(s) where they are engaged in child related work. This can be done online through a [MyCheck Account](#) or [Services Victoria](#).
- notify, in writing, both St Patrick's College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, their company) and WWCCV, within seven days, if:
 - they are charged with, convicted, or found guilty of a category A or B sexual, violent or drug offence (as defined in the Act), or the charge has been finally dealt with by a court in some way
 - a relevant disciplinary or regulatory finding is made against them
 - they are or become subject to reporting obligations under Part 3 of the Sex Offenders Registration Act 2004 (Vic)
 - they become subject to a supervision order, detention order or an emergency detention order

- they have been given an NDIS exclusion
- they have been excluded from child-related work under a corresponding working with children law.

WWC Check Application/Renewal Procedures

How to Apply for a WWC Check

A worker who engages in child-related work is responsible for applying for their own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form on the Working with Children Check Victoria website, found [here](#).
2. On completion of the application, you will be sent an application summary email advising how to finalise your application.
3. Verify your identity either as part of your online application or in person at a participating Australia Post outlet:
 - Online – you will need two primary proof of identity documents which are current and, when combined, show your full name, date of birth and photo
 - In person – when you finalise your application with Australia Post, bring three original proof of identity documents (one primary and two secondary documents; two primary and one secondary document; or three primary documents).
4. Finalise your application at a participating Australia Post outlet, bringing with you your application summary, one additional identity document if you verified your identity online or your three identity documents if you are verifying your identity in person, and any applicable fee.
5. WWC Check applications are free for Volunteers. If the WWC Check is for paid work, a fee is payable.
6. If applying for a WWC Check from outside Victoria, the following must be posted to WWCCV:
 - the application summary of your online application, and certified by a certifying officer
 - copies of your proof of identity documents, certified by the certifying officer
 - two passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary
 - a credit card payment, bank cheque or money order for the fee if you are a paid worker
 - Mail to: Working with Children Check Victoria, Department of Justice and Community Safety, GPO Box 1915, Melbourne VIC 3001

Can I work while my application is being processed?

Under the Act, most workers can work in child-related work after applying for a WWC Check but before the outcome is determined.

However, the EREA Board requires that EREA-governed schools do not engage any worker, who must have a WWC Check by law or under the [WWC Checks Policy and Procedure](#), if they do not have a valid WWC clearance.

In addition, if you fall into the following categories, the Act prohibits you from working in child-related work before the outcome of the WWC Check:

- you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences if this conduct occurred as an adult
- you have previously been given a WWC exclusion
- you have applied for the WWC Check and are supervising a child under the age of 15 in employment under the Child Employment Act 2003 (Vic)
- you are working in an education and care service under the Children's Services Act 1996 (Vic) or in an education and care service under the Education and Care Services National Law (Victoria) Act 2010 (Vic)
- you are subject to:
 - reporting obligations under the Sex Offenders Registration Act 2004 (Vic)
 - an exclusion from child-related work under a corresponding working with children law in circumstances where you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences
 - a supervision order, a detention order or an emergency detention order.

What is checked?

WWCCV, which is located in the Department of Justice and Community Safety, assesses WWC Check applications. It obtains applicants' national criminal histories including:

- convictions (spent or unspent)
- non-conviction charges (for serious sexual, violent or drug offences)
- acquittals because of mental impairment
- guilty pleas
- juvenile records from when you were under 18 years of age
- findings of courts and Corrections Victoria
- formal findings of guilt
- pending charges.

It also considers professional conduct determinations and findings from relevant bodies, including the Reportable Conduct Scheme, VCAT and other tribunals (in respect of health practitioners), Victorian Institute of Teaching (in respect of teachers) and the Suitability Panel (which considers the registration of foster carers).

When assessing an application, WWCCV can request additional information from the applicant or from others, including:

- health treating professionals
- government agencies
- professional disciplinary bodies
- employers and other organisations.

The time it takes to process a WWC Check varies from person to person. It typically takes up to three weeks to assess a WWC Check application. If you have a common name – or if there are circumstances which require more time investigating your application – it might be up to 12 weeks.

Interim WWC Exclusions

Certain criminal charges or offences will result in an automatic WWC exclusion, or may require WWCCV to start with a presumption that it should issue a WWC exclusion. These include:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Child, Youth and Families Act 2005 (Vic)
- other offences linked to the safety of children.

If an applicant has been charged with or convicted of certain serious offences and/or if, after considering all of the required information, WWCCV considers that the applicant poses an unjustifiable risk to children, it will issue an interim WWC exclusion.

The applicant will then have the opportunity to explain why they believe that they should pass the WWC Check and to respond to the information that has caused the interim WWC exclusion.

Outcome of the WWC Check

There are only two results for a WWC Check: a **WWC clearance** to work with children or a **WWC exclusion** barring an applicant from working with children.

WWC Clearance

Where the outcome is a **WWC clearance**, the applicant will receive an email confirming that they have passed the WWC Check and will then receive a WWC Check Card in the mail. The WWC Check Card is valid for five years, and displays the worker's name, signature, photograph, card number and expiry date.

An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work.

A Volunteer WWC Check Card can only be used for voluntary child-related work.

Workers who have a WWC clearance are subject to ongoing monitoring for relevant new records, which could lead to the WWC Check Card being suspended or revoked (and a WWC exclusion issued) before the five year expiry date.

WWC Exclusion

Where an applicant has failed the WWC Check, they will be issued with a **WWC exclusion**. The person must not engage in any child-related work. The person must notify, in writing, all organisations where they do child-related work that they have received a WWC exclusion.

A copy of the WWC exclusion will be sent to all the organisations listed in the application but they will not be notified of the reasons for the WWC exclusion.

Persons who have been issued with a WWC exclusion cannot apply for child-related work, unless they have subsequently reapplied for a WWC Check and been issued with a WWC clearance (or appealed the WWC exclusion and the WWC exclusion has been stayed).

Once issued with a WWC exclusion, a person cannot reapply for a WWC Check for five years, unless their circumstances have changed. Changed circumstances can include:

- a pending charge being withdrawn or dismissed by a court
- being found not guilty of a pending charge
- being no longer required to report under the Sex Offenders Registration Act 2004 (Vic)
- being no longer subject to a supervision order, a detention order or an emergency detention order
- being no longer excluded from child-related work under a corresponding working with children law
- their NDIS exclusion being deemed void or being set aside, rendered inoperative or otherwise invalidated.

In limited circumstances, people who have been issued with a WWC exclusion can appeal by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

Penalties

It is against the law for the following people to even apply for a WWC Check:

- a registrable offender under the Sex Offenders Registration Act 2004 (Vic)
- a person who is subject to a supervision order, a detention order or an emergency detention order.

It is an offence to work with children without having applied for a WWC Check or holding a valid WWC Check Card.

It is an offence for anyone to apply for or engage in child-related work if they have been issued a WWC exclusion.

The maximum penalty for all of the above is two years' imprisonment, a fine or both.

The College must take reasonable steps to ensure that they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card, who has been issued with a WWC exclusion or who has become subject to reporting obligations under the Sex Offenders Registration Act 2004 (Vic), or supervision, detention or emergency detention orders. The penalty for organisations is a significant fine.

Implementation

This Procedure is made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. It is included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

This Procedure is made available to parents/carers, students and the wider College community in summary in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures.

It is also available in hard copy by request.

Breach of Working with Children Check Procedures

St Patrick's College enforces this Procedure. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on

the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Procedure Review

A review of the WWC Check Procedure for Staff is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Procedure is reviewed and updated as needed and for approving this Procedure.

Source of Obligation

- [Worker Screening Act 2020 \(Vic\)](#)
- [Ministerial Order 1359](#), Clause 10

EREA and St Patrick's College Policy and Procedure Linkages

The Working with Children Check Procedure for Staff is to be read and understood in conjunction with:

- [Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).

Related Forms and Documents

WWCC Register

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Staff Register

References and Resources

- Commission for Children and Young People, [Standard 4: human resource practices](#), 2018
- Department of Education and Training, [HR Practices for a Child Safe Environment](#), 2018
- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Procedure Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Risk Rating	High
Location	PolicyConnect

Child Safeguarding Training and Supervision Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding Training and Supervision Policy and Procedures, as set out in the Policy Administration section, below.

A child safe organisation must provide induction and ongoing training about child safety and child protection for its Staff and relevant Volunteers and Contractors. It also must provide child-safety related supervision and monitor the child safety-related performance of Staff and relevant Volunteers and Contractors.

In particular, [Ministerial Order 1359](#) requires the EREA Board to ensure that:

- **Volunteers** engaged in **child-connected work** are made aware of the Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct
- **school staff, school boarding premises staff**, members of the College's governing body and Volunteers engaged in child-connected work receive an induction regarding child safety and wellbeing that is appropriate to the nature of the role and includes, in particular:
 - information on the Child Safety Code of Conduct

- if relevant to their role, the Child Safeguarding (Safety and Wellbeing) Policy and Procedures, Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures and Child Safeguarding Complaints Management Policy and Procedures
- school staff, school boarding remises staff, members of the College's governing body and volunteers engaged in child-connected work are aware of their responsibilities to students, information sharing and reporting obligations and record keeping obligations
- ongoing **supervision** and people management of Staff and Volunteers focuses on child safety and wellbeing.

Purpose

This Policy and its Procedures set out the policies, procedures, work practices and guidelines that the College employs to ensure that Staff, including Boarding School, and relevant Volunteers and Contractors are provided with:

- an induction into our child safeguarding policies, procedures and practices
- ongoing education and training about child safety
- child safety-related supervision and performance monitoring
- performance appraisal and professional development

Together these are aimed at ensuring the safety of students and the protection of them from abuse and other harm and creating a child safe culture.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Child Safeguarding Recruitment, Screening and Suitability Assessment Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the [National Catholic Safeguarding Standards](#).

Scope

This Policy and its Procedures apply to all Staff (including members of the Principal and College EREA Victorian Schools Board).

They also apply – where indicated below – to certain Volunteers and Contractors. However, training obligations for, and the amount of supervision provided to, Volunteers and Contractors may be modified versions of these procedures, as set out below.

This Policy and its Procedures apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

This Policy and its Procedures does not apply to College students who are volunteering with/coaching or tutoring younger students at the College, but these students are required to abide by the College's [Student Child Safeguarding Code of Conduct](#) at all times.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular importance to the Child Safeguarding Human Resources policies and procedures are the following additional key definitions:

“Child-Connected Work”

For the purposes of Ministerial Order 1359, “child-connected work” is defined as “work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school environment or school boarding premises while children are present or reasonably expected to be present”.

Under this definition, all **staff members** are engaged in child-connected work.

Under this definition, many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does. For example, a consultant engaged by the College to work with the EREA Victorian Schools Board and who attends the College for meetings during school hours when children are present is not engaged in “child-related work” but is engaged in “child-connected work”.

“Child-Related Work”

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact;
- face-to-face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the College and the Boarding School, and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing body*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of Staff and Contractors at the College (other than the Principal, Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members, as well as Direct Contact Contractors**, and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school staff”.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the Boarding House is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding School, all Staff, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is someone who performs work for the College in a College environment without remuneration or reward for the College. Volunteers may be family members of students, or from the

wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- Direct Contact Volunteers/Contractors: Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.
- Regular Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to the present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

“Supervision”

“Supervision” is an intervention that is provided by a senior staff member of College to other staff members, Volunteers and Contractors. The supervisor/supervisee relationship is evaluative, extends over time, and has the simultaneous purposes of enhancing the professional functioning of the staff member(s), monitoring the quality of education provided to students and their interactions with the

wider College community, and serving as a gatekeeper of those who are to enter the particular profession.

“Performance Review”

“Performance reviews” are a process aimed at assisting staff members to sustain their performance at a planned level, promoting a climate of continuous learning and development, and enhancing individual competencies. A performance review may or not be undertaken by a staff member’s direct supervisor.

Child safeguarding performance reviews include, but are not limited to:

- observing and analysing integration of the staff member’s skills, knowledge and practices during teaching and other interactions with students (including random and organised observations through in person, line of sight and within hearing range supervision)
- review of materials and audio-visual aids used
- seeking feedback from students, parents/carers and colleagues
- a performance appraisal discussion.

“Performance Appraisal Discussion”

Performance appraisal discussions involve, in relation to child safeguarding:

- consideration of performance against the College’s Child Safeguarding Program, including the Child Safety Code of Conduct
- reviewing the skill sets of staff members relating to child protection, safety and wellbeing
- identifying additional child safeguarding training needs relevant to the staff member’s role
- setting goals in relation to issues that impact the safety and wellbeing of children and young people (for example, identifying ways to support staff members to perform the duties and skills contained within their job description).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

- the College’s Senior Child Safeguarding Officer Deputy Principal Richard Brodrick
- the Boarding School Senior Child Safeguarding Officer Deputy Principal Richard Brodrick

- the College's Assistant Principal-Pastoral Care and Wellbeing Kevin Robillard
- the School Principal Steven O'Connor

St Patrick's College's Policy

Child Safeguarding Training

Purpose of Training

St Patrick's College recognises that without training and education for our College EREA Victorian Schools Board members, Staff, Volunteers and Contractors, our policies and procedures will not operate effectively to keep our students safe and protect them from abuse and other harm.

This subsection of the Child Safeguarding Training and Supervision Policy and Procedures describes the training, information and education with respect to child safeguarding that is provided to, or otherwise required of, various Staff, Volunteers and Contractors.

Who is Required to Complete What Training?

(a) Induction Training

College EREA Victorian Schools Board members, all Staff and Direct Contact Volunteers/Contractors must complete the College's online child safeguarding learning course, as part of the induction process, when they first commence their role at the College.

Regular and Casual Volunteers/Contractors (including, but not only, those engaged in child-connected work) receive, when they first commence their role at the College, either modified induction training or information on our Child Safeguarding (Safety and Wellbeing) Policy and Procedures, the Child Safety Code of Conduct Policy and Procedures and how to report child safety incidents or concerns to the College.

(b) Ongoing and Refresher Training

College EREA Victorian Schools Board members, all Staff and Direct Contact Volunteers/Contractors must complete the College's online child safeguarding refresher learning course at least annually.

(c) Mandatory Reporter Training

All Staff, Volunteers and Contractors who are Mandatory Reporters must complete the College's online child safeguarding learning course when they first commence their role at the College as part

of the induction process, as well as periodic refresher training to ensure ongoing understanding of their obligations.

(d) Additional Training

The College's Child Safeguarding Officers, and other selected Staff, undertake additional training on child safety issues as considered appropriate to their roles.

This additional training may include the variety of online courses available in the Staff Learning System, external courses, conferences and workshops on relevant child safety-related topics as well as internal training provided by EREA and/or St Patrick's College.

Child Safeguarding Training Record Keeping

The College creates and maintains electronic records of all child safeguarding training completed by Staff, as well as Direct Contact Volunteers/Contractors through CompliLearn.

Child Safeguarding Supervision and Performance Monitoring

Regular Supervision and Reviews

The College provides all staff members, all Direct Contact Contractors and those Regular Contractors who are engaged in "child-connected" work with regular supervision – and, for Staff, performance reviews – that involves consideration of child safety issues, to ensure their behaviour towards students, or when students are present or expected to be present, is appropriate, and to monitor their compliance with the College's Child Safeguarding Program.

Performance reviews are undertaken at least annually for all Staff.

For Direct Contact Contractors and those Regular Contractors who are engaged in "child-connected work", the Contractor's supervising staff member must have at least one dialogue with the Contractor during the period of the contract (and additional dialogues, depending on the frequency of the Contractor's engagement at the College) to discuss and monitor their performance in relation to child safeguarding.

Probationary Periods for Staff

Probationary periods apply to all new staff members, where these are permitted by law or under an Enterprise Agreement. During probation, new staff members receive:

- more frequent supervision, to ensure that their behaviour towards students is appropriate and to monitor their compliance with the College's Child Safeguarding Program
- more frequent performance appraisal conversations with their Head of Department.

For more information, refer to our general [Human Resources Policies and Procedures](#).

Direct Contact and Regular Volunteers

The College assigns a supervising staff member to each Direct Contact and Regular Volunteer.

The supervising staff member must have at least one dialogue with the Volunteer during the period of the volunteer work (and additional dialogues, depending on the frequency of the Volunteer's engagement at the College) to discuss and monitor their performance in relation to child safeguarding.

Professional Development

Purpose of Professional Development

St Patrick's College recognises that ongoing professional development with respect to child safeguarding is essential for our staff members to keep our students safe and protect them from abuse and harm.

Staff Child Safeguarding Professional Development Assessment and Provision

When new staff members are first engaged by the College, the College considers the level of training and experience that they are required to possess in relation to child safeguarding in the context of their appointed role.

The College then works with each staff member to ensure that they can access ongoing training and development opportunities that will continue to equip them to keep students safe and protect them from abuse and other harm.

Professional Development Reviews

The College undertakes professional development reviews at least annually for all Staff as part of the performance review process. These reviews include consideration of professional development needs in light of the Child Safeguarding Codes of Conduct and the requirements of the Child Safeguarding Program.

Procedure

Training Content

Our induction and refresher child safeguarding learning course includes information on:

- our Child Safeguarding Program
- our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and the Child Safety Code of Conduct Policy and Procedures
- the legal and regulatory framework for child safety and wellbeing, including:
 - WWC Checks
 - Mandatory Reporting to Child Protection
 - Non-Mandatory Reporting to Child Protection
 - Reportable Conduct
 - the Duty to Protect Students and the Failure to Protect offence
 - Reporting to Police (including the Failure to Disclose offence)
 - information sharing and record keeping
 - privacy and employment law obligations related to child safeguarding
 - whistleblower protection
- guidance on the different types of child abuse and other harm, recognising key indicators, and understanding circumstances that increase the vulnerability of some children and young people to child abuse or other harm
- our complaints handling policies and procedures
- procedures for responding to a child safety incident, concern or complaint
- how to report child safety incidents or concerns internally to the College and externally to the appropriate external authorities
- child safeguarding information sharing and record keeping obligations
- children and young people's rights to participation, information and safety, empowering children and young people, and encouraging children and young people's participation
- building culturally safe environments, including information about Aboriginal and Torres Strait Islander cultures, culturally and linguistically diverse cultures, disability and people with other particular experiences or needs, and respecting children and young people irrespective of their individual characteristics, cultural backgrounds and abilities
- identifying and mitigating child safety and wellbeing risks in the College environment without compromising a student's right to privacy, access to information, social connections and learning opportunities.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors, as described above.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

They are also available in hard copy by request.

Breach of the Child Safeguarding Training and Supervision Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Child Safeguarding Training and Supervision Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

The Child Safeguarding Training and Supervision Policy and Procedures implements:

- [Victorian Child Safe Standards](#), Standard 6
- [Ministerial Order 1359](#), Clause 10
- [EREA Child Safeguarding Standards Framework](#), Standard 5
- [National Catholic Safeguarding Standards](#), Standard 5.

EREA and St Patrick's College Policy and Procedures Linkages

The Child Safeguarding Training and Supervision Policy and Procedures is to be read and understood in conjunction with:

- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).

References and Resources

- Commission for Children and Young People, [Standard 4: human resource practices](#), 2018
- Department of Education and Training, [HR Practices for a Child Safe Environment](#), 2018
- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
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Compliance and Breach (Child Safeguarding) Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Compliance and Breach (Child Safeguarding) Policy and Procedures, as set out in the Policy Administration section, below.

A child safe organisation must ensure that its child safeguarding standards, policies and procedures are followed by everyone in the organisation.

In particular, Ministerial Order 1359 requires the College to ensure that people management of staff and volunteers focuses on child safety and wellbeing.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

This Policy and its Procedures set out the disciplinary actions that may result for Staff, Volunteers, Contractors and others in the College community who breach child safeguarding policies and procedures, including in particular (but not limited to):

- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding Responsibilities](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- our [Information Sharing Policies and Procedures](#).

They are designed to ensure compliance with these and all other Policies and Procedures in our Child Safeguarding Program. [1]

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

[Ministerial Order 1359](#), the [EREA Statement of Commitment to Child Safety](#) and the [EREA Child Safeguarding Standards Framework](#) set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the Compliance and Breach (Child Safeguarding) Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the [National Catholic Safeguarding Standards](#).

Scope

This Policy and its Procedures apply to all Staff, including members of the Principal, Boarding School, and – where indicated in the particular section – to relevant Volunteers and Contractors, including College EREA Victorian Schools Board members.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

This Policy and its Procedures do not apply to College students who are volunteering with/coaching or tutoring younger students at the College, but these students are required to abide by the College's Student Child Safeguarding Code of Conduct at all times. Breaches by students are managed under our Student Discipline Policy.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions.

Of particular importance to the Child Safeguarding Human Resources policies and procedures are the following additional key definitions:

"Child-Connected Work"

For the purposes of Ministerial Order 1359, "child-connected work" is defined as "work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school environment or school boarding premises while children are present or reasonably expected to be present".

Under this definition, all **staff members** and all Boarding School Staff are engaged in child-connected work.

Under this definition, many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

"Child-connected work" is broader than "child-related work" (defined below). "Child-connected work" does not need to involve direct contact with children, whereas "child-related work" does. For example, a consultant engaged by the College to work with the College EREA Victorian Schools Board and who attends the College for meetings during school hours when children are present is not engaged in "child-related work" but is engaged in "child-connected work".

"Child-Related Work"

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact;
- face- to- face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the College and the Boarding School, and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing body*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff, Volunteers and Contractors at the College (other than the Principal, the Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the College are “school staff”, no matter their age or the frequency of their engagement.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the Boarding School is undertaken by the College on behalf of the EREA Board.

This means that, at the true, all Staff, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”, no matter their age or the frequency of their engagement.

“Staff”/“Staff Member”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including Boarding School Staff and the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although College EREA Victorian Schools Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and its Procedures and the Child Safeguarding Program.

“Volunteers” and “Contractors”

A Volunteer is a someone who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- Direct Contact Volunteers/Contractors: Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide

excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.

- Regular Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

“Visitors”

The term “Visitor” refers to any adult who attends a College or Boarding School event or who is in a College environment on a one-off or casual basis (such as Casual Volunteers/Contractors, parents and other adult family members of students when they are attending College or Boarding School events, and people invited by the College or a staff member to be in a College environment).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

- the Deputy Principal Richard Brodrick
- the School Principal Steven O'Connor

St Patrick's College's Policy

1. Where a staff member, Direct Contact or Regular Volunteer/Contractor breaches any obligation, duty or responsibility within our Child Safeguarding Program, the College will instigate a review, in a

timely and fair manner, and may take disciplinary action that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

2. Where any other member of the College community, including Casual Volunteers/Contractors or other Visitors, breaches any obligation, duty or responsibility within our Program, the College will take appropriate action.

3. All members of the College community must be aware that if they engage in certain conduct in breach of this Child Safeguarding Program, their conduct may also be reported to the relevant external agencies, such as the Department of Families, Fairness and Housing (DFFH Child Protection), the Police and the Commission for Children and Young People, as set out in our [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#).

Procedures

Compliance and Breach (Child Safeguarding) and Other Legislation

Our child safeguarding human resources practices, including disciplinary actions, are subject to state and Commonwealth anti-discrimination legislation (refer to our [Workplace Bullying, Discrimination and Harassment](#) policies) and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing, and storing information about disciplinary actions (refer to our [Privacy Program](#)).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#).

It is also available in hard copy by request.

Breach of Compliance and Breach (Child Safeguarding) Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a fair and timely manner, that may result in the measures set out above.

Policy Review

A review of the Compliance and Breach (Child Safeguarding) Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

The Compliance and Breach (Child Safeguarding) Policy and Procedures implements:

- [Victorian Child Safe Standards](#), Standard 4
- [Ministerial Order 1359](#), Clause 10
- [EREA Child Safeguarding Standards Framework](#), Standard 5
- [National Catholic Safeguarding Standards](#), Standard 5.

EREA and St Patrick's College Policy and Procedures Linkages

The Compliance and Breach (Child Safeguarding) Policy and Procedures is to be read and understood in conjunction with:

- [Child Safety Code of Conduct Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).
- [Child Safeguarding Risk Management Policy and Procedures](#)

Related Forms and Documents

- [EREA Statement of Commitment to Child Safety](#)

References and Resources

- Commission for Children and Young People, [Standard 4: human resource practices](#), 2018
- Department of Education and Training, [HR Practices for a Child Safe Environment](#), 2018
- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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[1] *The “Child Safeguarding Program” is the name given to the full collection of policies and procedures that assist the College to be a child safe organisation and to meet the requirements of the Victorian Child Safe Standards, Ministerial Order 1359 and – as a Catholic entity – the National Catholic Safeguarding Standards. It includes policies and procedures for:*

- *responding to and reporting child safety incidents and concerns*
- *child safe human resources management (including WWC clearances)*
- *participation and empowerment of students*
- *informing and involving families and relevant communities in child safeguarding issues*
- *equity and diversity*
- *child safeguarding risk management strategies*
- *strategies for embedding a culture of child safety at the School and*
- *regular reviews and continuous improvement of child safeguarding policies, procedures and practices.*

Child Safeguarding Risk Management Policy and Procedures

Background

St Patrick's College is a Catholic school in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. Our commitment to keeping children and young people safe cannot be achieved without effectively managing child safeguarding risks.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Child Safeguarding Risk Management Policy and Procedures, as set out in the Policy Administration section, below.

Standards 2 and 9 of the Victorian Child Safe Standards requires the EREA Board to develop and implement risk management strategies regarding child safety in the College's environments. Clauses 6 and 13 of Ministerial Order 1359 sets out particular requirements that must be met when doing so.

Purpose

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives.

At St Patrick's College we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child safeguarding, wellbeing, and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

St Patrick's College has a broad range of risks associated with its activities and operations, including risks relating to child safeguarding. Effectively managing child safeguarding risks is a vital element in ensuring that our College is keeping children and young people safe.

While child safeguarding risks within the operations of a school can never be completely eliminated, St Patrick's College actively implements risk management practices to ensure that child safeguarding risks are reduced.

Our Child Safeguarding Risk Management Policy and Procedures outline our approach to managing child safeguarding risks.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

In addition to implementing the requirements of Ministerial Order 1359, the [EREA Statement of Commitment to Child Safety](#) and the [EREA Child Safeguarding Standards Framework](#) set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of the College's Child Safeguarding Risk Management Policy and Procedures.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the [National Catholic Safeguarding Standards](#).

St Patrick's College is committed to the effective implementation of our Child Protection Program and ensuring that it is appropriately reviewed and updated. We adopt a risk management approach by identifying key risk indicators and assessing child safety risks based on a range of factors including the nature of our college's activities, physical and online environments, and the characteristics of the student body.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" and "staff members" for the purposes of this Policy and its Procedures), as well as the EREA Board.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in the Child Safeguarding Risk Management Policy and Procedures can be found in [Child Safeguarding Program Definitions](#).

Of particular importance to this Policy and its Procedures are the following additional definitions:

"Risk"

The term "risk" means, in simple terms, the possibility of something bad happening.

“Risk Management”

“Risk management” is the general process of identifying and assessing risks, followed by the application of resources to mitigate, monitor, and control the probability and/or the impact of these events.

“School Staff”

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing body*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the College (other than the Principal, the Deputy Principal and the Director of Human Resources.) is undertaken by the College on behalf of the EREA Board.

This means that, at the College, **all staff members as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the College are “school staff”.

“School Boarding Premises Staff”

“School boarding premises staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of all Staff and Contractors at the Boarding School is undertaken by the College on behalf of the EREA Board.

This means that, at the Boarding School, all Staff, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “school boarding premises staff”.

Roles and Responsibilities

Identifying and managing child safeguarding risks is everyone’s responsibility. All adults in the College community have a shared responsibility for contributing to the safety and protection of students through identifying and managing these risks.

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

The EREA Board

The EREA Board is responsible for:

- understanding the child safeguarding risks relevant to the College, based on the College’s operational profile
- developing, and ensuring the effective implementation of, the College’s child safeguarding risk management strategies (noting that the EREA Board has assigned responsibility for implementing the strategies to the Principal)
- reviewing and approving any changes to the College’s child safeguarding risk management strategies
- promoting a child safe risk management culture within the College
- establishing clear lines of responsibility and delegations with regard to child safeguarding risk management
- ensuring that the College communicates its commitment to child safety and to child safeguarding legal and regulatory compliance, and ensuring that operations are consistent with the commitment to child safety
- ensuring that the College identifies and takes steps to mitigate child safeguarding risks, including by:
 - ensuring that the College has a child safeguarding risk register in which child safeguarding risks and risk controls are recorded
 - receiving regular reports regarding child safeguarding risk management at the College and the College’s child safeguarding risk register
 - monitoring and evaluating the effectiveness of the College’s child safeguarding risk controls

- reviewing risk ratings for child safeguarding risks, risk movement, new and emerging child safeguarding risks and the proposed controls for these risks
- receiving regular reports regarding child safeguarding legal and regulatory compliance at the College
- ensuring that appropriate guidance, training and information is provided, at least annually, to:
 - the individual members of the EREA Board about:
 - their individual and collective obligations and responsibilities for managing the risk of child abuse at the College
 - child safety and wellbeing risks in the College's and the Boarding School's environments
 - the College's child safety policies, procedures and practices
 - school staff, including school boarding premises staff and Direct Contact Contractors, about a number of matters, including guidance on how to identify and mitigate child safety and wellbeing risks in the College's and Boarding School environments (noting that the EREA Board has assigned responsibility to the Principal for ensuring that Staff, including Direct Contact Contractors, receive this guidance, training and information and responsibility to the Director of Boarding for ensuring that Boarding School Staff and Direct Contact Contractors receive this guidance, training and information.

The Principal

The Principal is responsible for the effective day-to-day management of risk and for:

- effectively implementing the College's child safeguarding risk management strategies, and effectively deploying all available resources for that purpose
- communicating openly and honestly with, and providing advice to, the EREA Board and the College EREA Victorian Schools Board in relation to:
 - child safeguarding risk management at the College
 - any instances of non-compliance with child safeguarding legal and regulatory requirements
 - any breakdown in child safeguarding risk controls, systems or processes
 - identifying child safeguarding risks (including new and emerging risks) relevant to the College and the steps taken (or that should be taken) to mitigate these risks
 - the resources required for the College to meet its legal and regulatory compliance requirements, effectively manage child safeguarding risks and be a child safe organisation
- promoting a child safe risk management culture within the College

- ensuring that the College's child safeguarding risk register is maintained, regularly reviewed, reported to the EREA Board and updated as set out in **Procedures** below
- monitoring and evaluating the effectiveness of the College's child safeguarding risk controls
- ensuring that the College's current programs and activities and any new programs and activities are assessed to ensure that any child safeguarding risks associated with them are effectively managed and communicated to staff
- ensuring that appropriate guidance, training and information is provided to all Staff, and relevant Volunteers and Contractors, at least annually, about a number of matters, including guidance on how to identify and mitigate child safety risks in the College's and the Boarding School's environments.

The Director of Boarding

The Director of Boarding is responsible for the effective day-to-day management of risk and for:

- effectively implementing the College's child safety risk management strategies, and effectively deploying all available resources for that purpose at the Boarding School
- communicating openly and honestly with, and providing advice to, the EREA Board in relation to:
 - child safety risk management at the Boarding School
 - any instances of non-compliance with child safety legal and regulatory requirements
 - any breakdown in child safety risk controls, systems or processes
 - identifying child safety risks (including new and emerging risks) relevant to the Boarding School and the steps taken (or that should be taken) to mitigate these risks
 - the resources required for the Boarding School to meet its legal and regulatory compliance requirements, effectively manage child safety risks and be a child safe organisation
- promoting a child safety risk management culture within the Boarding School
- monitoring and evaluating the effectiveness of the College's child safety risk controls in the Boarding School
- ensuring that the Boarding School's current programs and activities and any new programs and activities are assessed to ensure that any child safety risks associated with them are effectively managed and communicated to Staff
- ensuring that appropriate training and information is provided to all school boarding premises staff, and relevant Volunteers and Contractors, at least annually, about a number of matters, including guidance on how to identify and mitigate child safety risks in the Boarding School's environments.

The Principal

The Principal is responsible for:

- reviewing, in consultation with the Principal, the College's child safeguarding risk management strategies, the child safeguarding risk register and the Child Safeguarding Program in accordance with the policies and procedures set out below
- identifying and reporting to the Principal any instances of non-compliance with child safeguarding legal and regulatory requirements and any breakdowns in child safeguarding risk controls
- ensuring that appropriate resources are made available in their area of operations to allow the College's child safeguarding risk management strategies to be effectively implemented within the College
- supporting the Principal in the practical application of the College child safeguarding risk management strategies, policies, procedures and work systems
- promoting a child safe risk management culture within the College.

St Patrick's College's Policy

Development of Child Safeguarding Risk Management Strategies

The child safeguarding risk management strategies set out below have been developed, and are implemented, based on:

- the nature of all College environments (physical, online and off-campus)
- the operational profile of the College
- the activities that students undertake at the College (including the provision of services by Contractors or outside the College's physical environment)
- the characteristics and needs of all of our students, including age, gender mix, Aboriginal and Torres Strait Islander Students, students from culturally and linguistically diverse backgrounds, and students with disability.

In particular, the following factors have been taken into account:

When developing child safety risk management strategies, the following characteristics and/or circumstances specific to the **College** and its students have been considered:

- cultural - rural Catholic day and boarding school for boys
- socio-economic - the college DMI is 99

- gender - 1350 boys
- disability - 192 boys
- other background of the student cohort - (cater for student with english as there second language)
- rural/regional/urban location - metro, rural, regional, interstate, and international
- other community/physical location specifics -the college is located centrally in a major regional city
- specific activities undertaken by students, etc. (Sporting activities, camps, incursions, and excursions)

St Patrick's College's Child Safeguarding Risk Management Strategies

The College has developed and implemented the following risk management strategies to identify and mitigate our child safeguarding risks:

- Risk Management Program: The College has a comprehensive risk management program, that was drafted in accordance with the principles and standards of the International Risk Management Standards AS/ISO 31000, for managing all risks relating to its operations, including child safeguarding risks.
- Risk assessments: The College conducts a risk assessment of its environments, activities and characteristics, taking into account the needs of students and applicable control measures (such as systems, policies and procedures), at least annually to ensure that all child safety risks are identified and that there aren't gaps in our child safeguarding strategies and systems that a person motivated to harm or abuse students could exploit.
- Child Safeguarding Risk Register: The College identifies and records all reasonably foreseeable risks of child abuse and other harm in all College and Boarding School environments, as well as all other risks relevant to child safeguarding, in a Child Safeguarding Risk Register, and assesses these risks with regard to the likelihood of the risk event occurring and the potential consequences if it were to occur. This risk register can be found in Assurance.
- Child Safeguarding Risk Register annual reviews: The Child Safeguarding Risk Register is reviewed and approved annually by the EREA Board and reviewed at least annually by the Principal. These reviews include:
 - reviewing the effectiveness of child safeguarding risk control measures and evaluating the overall risk rating for all child safeguarding risks
 - analysing child safety incidents that may indicate a breakdown in risks controls
 - analysing any instances of non-compliance with child safeguarding legal and regulatory requirements and the systems and procedures that should be put in place to avoid any

further non-compliance

- considering the need to implement risk treatments to further control risks.
- Child Safeguarding Program: The College has developed and implements the Child Safeguarding Program, which includes a comprehensive suite of child safeguarding policies and procedures. These policies and procedures include, in particular:
 - child safeguarding standards, set out in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures
 - policies, procedures and guidance, set out in our Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, on identifying risks of child abuse and other harm in the College's and Boarding School's environments, legal obligations, responsibilities for managing these risks, and how to report and how to respond to child safety incidents and concerns
 - a Working with Children Checks Policy and Procedures
 - a set of Reportable Conduct Policies and Procedures
 - a set of policies and procedures for Child Safeguarding Recruitment.
- Child Safeguarding Training and Information: The College provides child safeguarding training at induction, and annual refresher child safeguarding training, for all school staff and school boarding premises staff as set out in our Child Safeguarding Training and Supervision Policy and Procedures. Relevant Volunteers also receive child safeguarding training and/or information as set out in that Policy.
- Child Safeguarding Officers: The College has appointed a number of Child Safeguarding Officers who are "Child Safeguarding Champions" at the College.
- Approvals for specific contexts and activities: The College has an approvals process and/or ongoing risk management process for certain College contexts and activities (set out in Procedures below), which require that a specific risk assessment be undertaken and provided either to the Principal or a relevant management committee for their consideration.
- Reporting: The EREA Board and the Principal receive regular reports regarding child safeguarding risk management and any instances of non-compliance with our policies and with legal and regulatory requirements, as well as any other information or incidents that may suggest a breakdown in child safeguarding systems, procedures and risk controls.
- Continuous improvement: The College and the EREA Board are committed to a continuous improvement process which involves regular review of the Child Safeguarding Program and child safeguarding risks to identify areas for improvement.

Child Safeguarding Risk Appetite

The College has no appetite for any increase to any risk rating for child safeguarding risks.

As a result, the College regards any non-compliance with legal and regulatory requirements related to child safety and child wellbeing as unacceptable and requiring of immediate rectification.

The College has no appetite for implementing any new programs or initiatives that:

- may increase the College's child safeguarding risks
- may result in a breakdown of the College's existing child safeguarding risk controls and their effectiveness.

Procedures

Risk Assessment, Risk Evaluation and Risk Treatment

Assessment of risk includes consideration of the effectiveness of risk controls (our current policies, procedures, systems and work practices), the likelihood of the risk happening and the consequence if the risk were to occur. Risks are then evaluated and matched to a risk matrix to determine the risk rating. The risk rating defines the level of governance oversight required and whether any additional measures ("risk treatments") are required to reduce or remove the risk.

The risk assessment methodology used at St Patrick's College is outlined in detail [here](#).

The risk evaluation methodology is outlined [here](#).

Risk treatments are implemented using the methodology outlined [here](#).

Reporting Child Safeguarding Risks

All staff members must be aware of the College's child safeguarding risk management practices and must report to the Principal or a Child Safeguarding Officer:

- any incidents, issues or concerns that may indicate a breakdown in our child safeguarding risk controls
- any new or perceived child safeguarding risks.

Our Child Safeguarding Officers are:

Name	Position	Contact No.	Email Address
Steven O'Connor	Principal	03	soconnor@stpats.vic.edu.au

		5322 4412 0427 431 617	
Richard Brodrick	Deputy Principal	03 5322 4408 0409 214 177	rbrodrick@stpats.vic.edu.au
Kevin Robillard	Assistant Principal- Pastoral Care & Wellbeing	03 5322 4350 0450 781 638	krobillard@stpats.vic.edu.au
Tom Ferguson	Assistant Principal-Staff & Culture	03 5322 4479 0400 187 511	tferguson@stpats.vic.edu.au
Carol Roberts	Assistant Principal- Learning Innovation	03 5322 4432	caroberts@stpats.vic.edu.au

		0419 362 458	
Geoff Brodie	Assistant Principal- Mission & Identity	03 5322 4326 0437 753 332	gbrodie@stpats.vic.edu.au
Members of the Wellbeing Leadership Team			2022WellbeingLeadershipTeam@S PCBallarat.onmicrosoft.com

Risk Assessments for Specific School Contexts and Activities

The Principal, and any staff members who have or who have been delegated the required level of responsibility, must ensure that child safeguarding risks are considered and reviewed when there are changes to the College’s operational profile or when new activities, buildings and facilities are planned and operating.

The following College contexts and activities require, as part of their approvals or ongoing risk management processes, that specific risk assessments be undertaken and provided either to the Principal or a relevant management committee for their consideration:

- Physical Environment: Ongoing, periodic reviews must be undertaken of all physical College and the Boarding School environments, to eliminate physical isolation risks such as solid classroom doors or rooms with no windows, and of any procedural controls where elimination is not possible, including random checks of obstructed or out-of-the-way locations.
- Online Environment: Regular monitoring, and ongoing periodic reviews must be undertaken of the online College environment and electronic communications, to identify and eliminate online child safeguarding risks such as access controls, inappropriate sharing of information/data security, online grooming, and breaches of the Child Safeguarding Codes of Conduct Policy and Procedures and Student Use of Social Media.

- Excursions and Camps: The College has developed and implements specific policies and procedures relating to excursions and camps ensuring that child safeguarding risks specific to excursions and overnight stays are identified and controls are put in place. For more information, refer to our Excursions policies.
- Work Placement: The College has developed and implements specific policies and procedures relating to work experience placements, including the completion of the Student Work Experience Checklist that outlines key child safeguarding requirements. For more information, refer to our Student Work Experience Policy.
- Sport and Extra-Curricular Activities: The College has developed and implements specific policies and procedures to manage child safeguarding risks specific to the variety of sporting and other extra-curricular activities at the College. These risks include the use of Casual Staff and Volunteers, maintaining professional boundaries, appropriate demonstration techniques and supervision both on College grounds and in off-site locations. For more information, refer to our EMS 360 System-ACE.
- The Boarding School: utilises REACH Student Life Management.

St Patrick's College's Assurance System

The College has implemented CompliSpace Assurance as one strategy to manage the risk of child abuse and other harm in the College's environments.

CompliSpace Assurance is an online risk and compliance workflow management tool that integrates with our Child Safeguarding Program to provide a system of risk management, compliance and continuous improvement based on international standards.

Through this system, key risks and compliance obligations are captured, documented and converted into plain English questions that are assigned via email to responsible individuals for action. Each individual is provided with a calendar view of their compliance performance via an online browser.

Unactioned tasks are escalated and reported to allow the College to monitor and record its compliance performance in real time. The College also uses this risk management system as a method of evaluating and reviewing the ongoing effectiveness of the implementation of its risk measures and controls.

The College's Child Safeguarding Risk Register

Our commitment to keeping children and young people safe cannot be achieved without effectively managing child safeguarding risks. As a result, the College has developed a Child Safeguarding Risk

Register to actively monitor child safeguarding risks and their mitigation.

The Child Safeguarding Risk Register ensures that the EREA Board and the Principal have clear visibility and oversight of child safeguarding risks in the College, and it enables our College to effectively manage our legal and regulatory child safeguarding obligations under Ministerial Order 1359.

Our Child Safeguarding Risk Register is reviewed annually by the EREA Board and at least annually, as well as following child safeguarding incidents, by the Principal. These reviews involve reviewing the child safeguarding risks that are included in Child Safeguarding Risk Register and the effectiveness of risk controls for each child safeguarding risk. Where new child safeguarding risks are identified, these are discussed and added to the Child Safeguarding Risk Register and risk controls for the new risks are identified and implemented.

Our Child Safeguarding Risk Register can be found in Assurance.

Implementation

The Child Safeguarding Risk Management Policy and Procedures is made available to all Staff via the College's PolicyConnect site. Training about the Child Safeguarding Risk Management Policy and Procedures is also included in annual refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

The Child Safeguarding Risk Management Policy and Procedures is also communicated to Staff, Volunteers, Contractors, parents/carers, students and the wider College community in summary in the Child Safeguarding (Safety and Wellbeing) Policy and Procedures, which is available on our public website.

It is also available in hard copy by request.

Breach of the Child Safeguarding Risk Management Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision

- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Child Safeguarding Risk Management Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Statement of Commitment to Child Safety](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safety Code of Conduct Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- [St Patrick's College Risk Management Program](#)
- St Patrick's College's Child Safeguarding Program in full
- [Child Safeguarding Complaints Management Policy and Procedures](#)

Source of Obligation

Standard 2 of the Victorian Child Safe Standards requires that child safety and wellbeing are embedded in the St Patrick's College's leadership, governance and culture. In particular, the College's governance arrangements must facilitate implementation of its child safety and wellbeing policies at all levels.

To implement this Standard, clause 6 of Ministerial Order 1359 requires the EREA Board to:

- develop and implement risk management strategies that:
 - focus on preventing, identifying and mitigating risks related to child safety and wellbeing in the College's and the Boarding School's environments
 - take into account a number of matters specific to the College and the Boarding School
- record the risks and the actions that the College has taken or will take to reduce or remove the risks (risk controls and risk treatments)

- as part of its risk management strategy and practices, monitor and review risks annually, and evaluate the effectiveness of the implementation of its risk controls.

Clause 12 of Ministerial Order 1359 requires the EREA Board to ensure that, among other things, appropriate guidance, training and information is provided, at least annually, to:

- the individual members of the EREA Board about:
 - individual and collective obligations and responsibilities for implementing the Child Safe Standards and managing the risk of child abuse
 - child safety and wellbeing risks in the College's and Boarding School's environments
 - the College's child safety policies, procedures and practices
- school staff and school boarding premises staff about a number of matters, including, guidance on how to identify and mitigate child safety and wellbeing risks in the College environment without compromising a student's right to privacy, access to information, social connections and learning opportunities.

Related Forms and Documents

- St Patrick's College/EREA Child Safety Code of Conduct
- CECV Commitment Statement
- Working With children's checks Policy and Procedures

References and Resources

- Victorian Registration and Qualifications Authority, [Child Safety Risk Management Strategies](#)
- Department of Health and Human Services, [Resource 6: Strategies to identify and reduce or remove risks of child abuse](#)

Policy Administration

Status – Draft, Current or Archived	Current
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board

Approval Date	20 June 2022
Version Number	2
Version History	Replaces previous policy for MO870
Review Frequency	2 Years
Next Review Date	June 2024
Document Classification	V-CS04
Risk Rating	High
Location	PolicyConnect

Regular Reviews and Continuous Improvement Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The EREA Board, the College's and the Boarding School's governing authority, has approved the College's Regular Reviews and Continuous Improvement Policy and Procedures as set out in the Policy Administration section, below.

Standard 10 of the Victorian Child Safe Standards (Victorian Standards) requires the College to regularly review and improve its implementation of the Victorian Standards.

To meet this Standard, clause 14 of Ministerial Order 1359 requires the EREA Board to review and evaluate the College's child safety and wellbeing policies, procedures and practices:

- after any significant child safety incident; or
- at least every two years,

and to improve these where applicable.

The EREA Board must also ensure that complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement, and report on the outcomes of relevant reviews to school staff, school boarding premises staff, Volunteers, the College community, family and students.

Standard 9 of the National Catholic Safeguarding Standards (NCSS) and the EREA Child Safeguarding Standards Framework, similarly require the College to regularly review and improve its child safeguarding practices, policies and procedures.

Standards 3 and 4 of the Victorian Standards, and Standards 2 and 3 of both the NCSS and the EREA Child Safeguarding Standards Framework require that students, parents/carers and relevant communities are informed about and have a say in these reviews.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

Creating a child safe environment is an ongoing process of improvement. Regular audits and review processes enable the College to monitor the efficacy of our policies and procedures when responding to child safety concerns and ensure that they remain up to date with any legislative changes. The College is committed to establishing effective links between the reporting of child safety incidents and concerns and the College's continuous improvement processes, so that reporting incidents and concerns improves the College's approach to child safeguarding.

This Policy and its Procedures set out the College's policies, procedures and systems for reviewing and improving our Child Safeguarding Program and its implementation.

Principles

EREA and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and implementation of its child safeguarding strategies.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" and "staff members" for the purposes of this Policy and its Procedures), as well as the EREA Board.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the people set out in the sections below have particular responsibilities under this Policy and its Procedures.

St Patrick's College's Policy

Attestation of Compliance

The Principal signs and provides to the EREA Board an annual Insert Name of and Link to Child Safe Framework Principal Attestation with the EREA Child Safeguarding Standards Framework (and therefore with relevant Standards in the NCSS and Victorian Child Safe Standards).

Reviews of the Child Safeguarding Program

1. Regular Reviews

(a) The EREA Board reviews the following policies and procedures in the Child Safeguarding Program at least every two years, following the **Procedures**, below:

Insert List of Board Approved Policies and Procedures

(b) The College actions all incremental improvements to these policies and procedures, as well as to any relevant College-based policies and procedures, that result from these reviews.

2. Additional Reviews

(a) The College reviews relevant College-based child safeguarding policies and procedures, following the **Procedures** below, ahead of this schedule:

- if there is a consistent issue being regularly raised in complaints and/or other feedback from the College community
- if there is a change in law, regulation or best practice
- following any externally reportable child safety incident or concern occurring at or involving the College.

(b) If a review is triggered by an externally reportable child safety incident or concern that occurred at or involved the College, the review must include a systemic review and/or a root cause analysis.

3. Record Keeping about Reviews

Every review is documented, with records maintained for a period of at least 50 years.

4. Communication of Review Outcomes

The College communicates the outcomes of all reviews conducted by the EREA Board and the College to the College community.

Audits

The College is regularly audited for compliance with the Victorian Standards, Ministerial Order 1359, the EREA Child Safeguarding Standards Framework and the NCSS either internally or externally by an independent specialist agency.

This audit:

- tests the veracity of the Insert Name of and Link to Child Safe Framework Principal Attestation
- audits the child safeguarding policies and procedures, to provide evidence of how the College is child safe through, and to identify improvements to, its governance, leadership and culture
- includes audits of practice within the College to ensure that policies and procedures are followed in practice, consistently across the College community, and to identify areas for improvement.

Continuous Improvement

St Patrick's College is committed to continuous improvement in all its operations, including of the Child Safeguarding Program. Continuous improvement is the final step of our Compliance, Review and Improvement cycle. This is an ongoing process that is monitored by the Principal and Child Safeguarding Officers.

Approval of Changes to the Child Safeguarding Program

All changes to the Policies and Procedures in the Child Safeguarding Program that may result from reviews, audits, our improvement processes or otherwise (for example, when policies are updated due to legislative change) are put to:

- the EREA Board;
- the EREA Director of Safeguarding;
- the Principal; or
- another appropriate person at the College

for approval.

The approving person/body will depend on the subject matter of the relevant Policy and Procedures, and whether the EREA Board has delegated review responsibility to a particular person or role at EREA or the College.

Procedures

Attestation of Compliance

Insert Name of and Link to Child Safe Framework Principal Attestation

Reviews of the Child Safeguarding Program

1. All Reviews

All reviews include:

- ensuring legal and regulatory compliance
- avenues for students, parents/carers, Staff, Volunteers, Contractors and relevant communities to participate and provide feedback on the Child Safeguarding Program.

2. Reviews by the EREA Board

When the EREA Board reviews the Child Safeguarding Program every two years, it considers, at a minimum:

- the level of internal compliance with the College's Child Safeguarding Program, noting any significant breaches
- any child safety incidents that occurred during the review period, noting frequency and possible contributing factors
- the process used to manage any child safety incidents or concerns at the College, noting the positives and areas for improvement
- the content and frequency of child safeguarding training for Staff and relevant Volunteers and Contractors at the College, noting any significant feedback from Staff, Volunteers and Contractors about the training.

3. Additional Reviews by the College

The College conducts these reviews internally but may seek external advice, where appropriate.

The Insert Person Responsible for CP Program Reviews is responsible for conducting these reviews, but may allocate responsibility for undertaking an additional review to a suitable staff member (the Reviewer).

When conducting a review following an externally reportable child safety incident or concern occurring at or involving the College, the Reviewer must consider, at a minimum:

- the severity of the incident or concern
- the first response of the individual who reported the incident or concern, including the effectiveness of continuing support for the student/s involved
- the College's compliance with internal and external reporting obligations
- steps to be taken by the College following the incident or concern, for example communication to parents/carers or the wider College community, if appropriate
- whether the incident was a result of a gap in the Child Safeguarding Program

- how the Child Safeguarding Program could be improved or adapted to ensure the gap is addressed.

4. Communication of Review Outcomes

The EREA Board and the College communicate the outcomes of all reviews to the College community by:

Insert Communication Methods

Continuous Improvement

Continuous improvement involves using:

- data collected through various channels and collated in the reviews of the Child Safeguarding Program
- research into best practice
- any legislative or regulatory updates

to identify key areas that require improvement or amendment. Through this process, we ensure that our Child Safeguarding Program is functioning effectively to ensure the protection, safety and wellbeing of children and young people at the College.

Approval of Changes to the Child Safeguarding Program

For every Policy and Procedure in the Child Safeguarding Program, a record of:

- the person/body responsible for that Policy's approval
- the initial approval date
- the date of the next scheduled review
- the dates of all other reviews
- the approvals by the relevant person/body

is located in the Policy Administration section of the Policy and Procedures.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to our [Child Safeguarding Training and Supervision Policy and Procedures](#).

They are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Review and Improvement Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#)

Policy Review

A review of the Regular Reviews and Continuous Improvement Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Statement of Commitment to Child Safety](#)
- [EREA Child Safeguarding Policy](#)
- [EREA Child Safeguarding Standards Framework](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)
- [Compliance with the Child Safe Standards and Ministerial Order 1359 Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)

Source of Obligation and Related Legislative Instruments

- Victorian Child Safe Standards, Standards 10, 3 and 4
- [Ministerial Order 1359](#), Clause 14
- [National Catholic Safeguarding Standards](#), Standards 9, 3 and 4
- [EREA Child Safeguarding Standards Framework](#), Standards 9, 3 and 4

Insert Related Policies

Related Forms and Documents

- Insert Name of and Link to Child Safe Framework Self-Assessment
- Insert Name of and Link to Child Safe Framework Principal Attestation

Insert Related Forms and Documents

Policy Administration

Status – Draft, Current or Archived	Draft
Person Responsible and Contact Details	EREA Manager Safeguarding and Standards tom.isbester@erea.edu.au
Approver(s)	EREA Board
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Document Classification	V-CS16
Risk Rating	High
Location	PolicyConnect

Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

Ministerial Order 1359 requires the EREA Board to have clear procedure or set of procedures for responding to complaints or concerns relating to child abuse, as defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act), in accordance with the Order and other legal obligations.

The Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions) sets out the four actions that College Staff must take to respond to child abuse and other harm. The College's policies and procedures for responding to child abuse and other harm must align with the Four Critical Actions.

To meet these requirements, the EREA Board has approved the College's Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, which is an overarching policy that summarises legal and policy-based obligations to report child safety incidents and concerns internally to the College and to relevant external agencies.

This section of the Child Safeguarding Program sets out how the College and its Staff, Volunteers and Contractors comply with the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures. It includes detailed policies, procedures and guiding information about responding to and reporting, both internally and externally, **all** child safety incidents or concerns, including but not limited to incidents, concerns, complaints, allegations or disclosures of child abuse as defined in Ministerial Order 1359 and the CWS Act.

The Policies and Procedures in this Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures](#)
- [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#)
- [Making Additional Reports Policy and Procedures](#)
- [Support for Students Interviewed at the College Policy and Procedures](#)

Where these policies and procedures refer to Staff and to certain categories of Volunteers and Contractors, these terms include people who are working at or for the College as well as people who are working at or for the Boarding School.

Similarly, where these policies and procedures refer to students, this term includes all students as well as boarding students.

Key Definition: Child Safety Incident or Concern

Definitions relevant to the Child Safeguarding Program as a whole are contained in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this section is the phrase “child safety incident or concern”.

[Child Safety Incident or Concern](#)

For the purposes of our Child Safeguarding Program a “child safety incident or concern” means an incident of or concern about:

- “child abuse” as defined in Ministerial Order 1359 and the CWS Act. These define “child abuse” as:

- a sexual offence against a child
- the criminal offence of grooming, which includes grooming of a child or of a person with care, supervision or responsibility for the child with the intention of facilitating the child being engaged or involved in the commission of a sexual offence
- the infliction, on a child, of physical violence or “serious” emotional or psychological harm*
- the “serious” neglect of a child*
- a child being “in need of protection” as defined in the Child, Youth and Families Act 2005 (Vic) (CYF Act), which includes:
 - abandonment of the child by their parents and no other suitable person can be found who is willing and able to care for the child
 - the child’s parents are dead or incapacitated and no other suitable person can be found who is willing and able to care for the child
 - “significant” harm as a result of physical injury, from which the child’s parents have not or are not likely to protect the child*
 - “significant” harm as a result of sexual abuse (including likely future sexual abuse as a result of grooming), from which the child’s parents have not or are not likely to protect the child*
 - “significant” emotional or psychological harm, from which the child’s parents have not or are not likely to protect the child
 - “significant” neglect by the child’s parents*
- “reportable conduct” as defined in the CWS Act, which means conduct by an employee of the College (whether in the course of their employment or not) involving:
 - a sexual offence committed against or in the presence of a child
 - sexual misconduct committed against or in the presence of a child
 - physical violence committed against or in the presence of a child
 - any behaviour that causes “significant” emotional or psychological harm to a child*
 - “significant” neglect of a child*
- a criminal offence against a child as set out in the Crimes Act 1958 (Vic), such as:
 - sexual penetration or sexual assault of, or sexual activity in the presence of, a child aged under 16 or a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming a child aged under 16 or a child aged 16 or 17 under the care, supervision or authority of the offender
 - grooming an adult who has a child under their care, supervision or authority
 - encouraging a child aged under 16 or a child aged 16 or 17 under the offender’s care, supervision or authority to be involved in sexual activity

- a practice to change or suppress a child’s sexual orientation or gender identity, which is prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
- a breach of the Child Safety Code of Conduct, such as:
 - a teacher engaging in undisclosed private meetings with a student who is not their own child
 - a Volunteer sports coach engaging in inappropriate online personal communications with a student
 - a Contractor music tutor publishing online photos, movies or recordings of a student without parental/carer consent.

*“Serious” emotional or psychological harm and “serious” neglect involve harm that has a lasting permanent effect. “Significant” emotional or psychological harm and “significant” neglect involve harm that is more than trivial or insignificant, but need not be as high as “serious” and need not have a lasting permanent effect.

For more information, refer to [Child Safeguarding Codes of Conduct Policy and Procedures and Definitions and Key Indicators of Child Abuse and Other Harm](#).

Overview of Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures

Child safety incidents or concerns can take many forms. Unfortunately, the nature of child abuse and other harm is complex. Child abuse or other harm may occur over time and potential indicators of abuse or harm are often difficult to detect. The perpetrator may be a parent, carer, other family member, staff member, Volunteer, Contractor, another adult or even another child. The legal obligations for reporting allegations of child abuse or other harm can vary depending on the circumstances of the child safety incident or concern.

All of the College’s procedures for responding to and reporting child safety incidents or concerns are designed and implemented to take into account the diverse characteristics of the College community.

Internal Reporting by Students, Parents/Carers and the Community

There are no limits on how or to whom students at the College can disclose any child safety incident or concern or make a complaint about a staff member, Volunteer or Contractor. The [Child Safeguarding Complaints Management Policy and Procedures](#) provides multiple, child-focused pathways, including a pathway for anonymous disclosure, to enable all students to raise child safety incidents or concerns in the way with which they are most comfortable.

Parents/carers, family members and other community members who have child safety concerns about a student at the College are asked to follow the procedures set out in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) which is available on our public website.

Internal and External Reporting by Staff, Volunteers and Contractors

The Policies and Procedures in this section of the Child Safeguarding Program set out how Staff, Volunteers and Contractors should respond to child safety incidents or concerns.

They include procedures for immediate responses to incidents or disclosures of child abuse or other harm, or suspected child abuse or other harm and our requirement to report all child safety incidents and concerns internally.

They also include policies, procedures and guidance about external reporting obligations that are required by law as well as the policies, procedures and guidance about making external reports when these are not otherwise required by law.

Under these Policies and Procedures Staff, and relevant Volunteers and Contractors, **must** report all child safety incidents and concerns internally. They **must** also report these to external authorities when required to do so by law, by the Four Critical Actions or by St Patrick's College's policy.

These Policies and Procedures make clear that reporting internally to or consulting with a Child Safeguarding Officer does not change any obligation under legislation to report to an external authority.

The College's Response to Internal Reports

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including all allegations or disclosures of abuse or other harm, that are reported internally to the College, including by:

- externally reporting all matters that meet the required relevant thresholds to Child Protection, the Police, the Commission for Children and Young People (CCYP), and/or the Victorian Institute of Teaching, depending on the issues raised
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse

background, a student with disability, and other vulnerable students (such as students who are unable to live at home or students who identify as lesbian gay, bisexual, transgender or intersex)

- sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme
- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

Child safety incidents or concerns involving the conduct of a staff member, Volunteer or Contractor that are raised by a student, a parent/carer or a family or community member will be addressed in accordance with our [Child Safeguarding Complaints Management Policy and Procedures](#).

Approvals and Reviews of the Policies and Procedures for Responding to and Reporting Child Safety Incidents or Concerns

All of the Policies and Procedures in this section of the Child Safeguarding Program implement the [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which the EREA Board has approved. An appropriate person at St Patrick's College or EREA has approved each Policy and Procedure in this section.

These Policies and Procedures are regularly reviewed in accordance with the schedule set out in the Regular Reviews and Continuous Improvement Policy and Procedures.

The appropriate person at St Patrick's College or EREA approves all changes to these Policies and Procedures that result from a review.

Policy administration information, including a record of the initial approval of the relevant policy and procedure in this section, the date of the next scheduled review and the dates of all other reviews and approvals, is set out at the end of each Policy and Procedure.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standards 7 and 11
- [Ministerial Order 1359](#), Clauses 11 and 15
- [National Catholic Safeguarding Standards](#), Standards 6 and 10
- [EREA Child Safeguarding Standards Framework](#), Standards 6 and 10

Managing Your Initial Response to a Child Safety Incident or Concern

Policies and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

St Patrick's College (the College) is committed to providing a safe and supportive learning environment.

Ministerial Order 1359 requires the College to have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse, as defined in the Order and the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act).

The Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (Four Critical Actions) sets out the four actions that College Staff must take to respond to child abuse, as defined in the CWS Act. The College's policies and procedures for responding to child abuse and other harm must align with the Four Critical Actions.

This Policy and its Procedures align with Action One of the Four Critical Actions and outline, in the subsections below, the College's policies regarding, and the procedures Staff should follow immediately after witnessing or being told about, a child safety incident or concern.

The following subsections explain the ways that Staff may become aware that a student may be experiencing abuse or other harm, and strategies, guidelines and requirements for responding to these situations and for assisting the students involved.

- [Responding to an Emergency](#)
- [Preserving Evidence](#)
- [Documenting Your Observations and Actions](#)
- [Witnessing a Child Safety Incident](#)
- [Observation of Abuse and Other Harm Indicators](#)
- [Private Disclosure by a Student](#)
- [Public Disclosure by a Student](#)
- [Third Party Disclosure](#)
- [Disclosure by a Former Student](#)
- [Support Following Child Safety Incident or Disclosure](#)

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Additional key definitions are set out in the relevant subsections.

Roles and Responsibilities

Roles and responsibilities relevant to the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy and Procedures

The policies and procedures that apply to Managing Your Initial Response to a Child Safety Incident or Concern are set out in the relevant subsections.

Fulfilling the roles and responsibilities in this Policy and its Procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website, as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Managing Your Initial Response Policies and Procedures

St Patrick's College enforces every subsection of this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling

- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures is conducted Annually or earlier if required, such as due to changes in legislation.

The Senior Child Safeguarding Officer, Deputy Principal, Richard Brodrick. is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Complaints Management Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards, Standard 7](#)
- [Ministerial Order 1359, Clause 11](#)
- [National Catholic Safeguarding Standards, Standard 6](#)
- [EREA Child Safeguarding Standards Framework, Standard 6](#)

Related Forms and Documents

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#)

Policy Administration

Status of Policy

St Patrick's College have developed this policy

This policy has been endorsed by the School Advisory Council on

This policy is due to be updated in 12 months from the date endorsed by the School Advisory Council unless required earlier.

This policy is to be reviewed, approved, and endorsed annually. Next review date is June 2023.

Date of Policy Rectification:

Principal Approval for Rectification: *Signed by Principal Steven O'Connor Date:*

Status of Policy: In Draft Awaiting Approval from the EREA Board

Responding to an Emergency

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the College's policy and procedures for responding to an emergency involving a child safety incident.

St Patrick's College's Policy

All Staff must act as soon as they witness a child safety incident or form a reasonable belief that a student has just been or is at immediate risk of being abused or harmed.

Procedures

If a student has just been or is at immediate risk of being harmed, staff members must ensure their safety by:

- separating the alleged victims and others involved
- administering first aid
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns
- briefing the Senior Child Safeguarding Officer to be the future liaison with the Police on the matter.

Preserving Evidence

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the College's policy and procedures for preserving evidence of child abuse and other harm.

St Patrick's College's Policy

When an incident of suspected child abuse or other harm occurs at the College or at a College event, staff members must take steps to preserve evidence of the incident (provided that it is safe for to do so).

Procedures

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

Documenting Your Observations and Actions

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the College's policies and procedures for documenting the child safety incident or concern.

St Patrick's College's Policy

The College requires all staff members to use [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#), to record all child safety incidents and concerns, including observations, beliefs, suspicions, disclosures or allegations of child abuse or other harm.

This template must be used regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, Volunteer, Contractor or any other person.

Procedures

It is critical that all staff members keep clear and comprehensive notes relating to any incidents, disclosures and allegations of child abuse and other harm. This information may be sought at a later date if there are court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child safety incidents.

For information about how to record observations, disclosures or allegations refer to [Child Safeguarding Record Keeping Policy and Procedures](#).

Witnessing a Child Safety Incident

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the policy and procedures to follow when a staff member witnesses a child safety incident at the College or a College event.

St Patrick's College's Policy

Staff members who witness an incident where they believe that a student has been subject to abuse or other harm must take immediate action to protect the safety of the student/s involved.

Procedures

Where there is an immediate risk to the health and/or safety of a student, follow the steps outlined in [Responding to an Emergency](#).

After the immediate health and safety of the student/s involved is ensured, follow any and all other relevant [Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures](#).

Observation of Abuse and Other Harm Indicators

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the procedures to follow when a staff member observes indicators of child abuse or other harm in a student.

Procedures

The different types of child abuse and their key indicators are set out in detail in the [Definitions and Key Indicators of Child Abuse and Other Harm](#).

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

Further, whether a staff member can be said to have “observed” an indicator of abuse or other harm can, in some cases, be subjective, and can depend on the staff member’s own skills, attributes and experiences.

Therefore, it is not possible for the College to require that staff members respond in a particular way when they observe key indicators of child abuse and other harm.

If you observe indicators that raise, in your mind, a concern that a student may be experiencing abuse or other harm, you should:

- make written notes of your observations recording both dates and times
- discuss the matter with a Child Safeguarding Officer, who can assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safeguarding Officers are set out [here](#).

Private Disclosure by a Current Student

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the policies and procedures to follow when a student discloses a child safety incident or concern to a staff member in private.

St Patrick's College's Policy

If a disclosure is made by a current student to a staff member, the staff member must:

- report the matter internally to a Child Safeguarding Officer, the Principal (or to the EREA Director of Safeguarding if the child safety incident or concern involves the Principal) as soon as possible (contact details for our Child Safeguarding Officers are set out [here](#))
- comply with any external reporting requirements
- make written notes of the circumstances of the disclosure recording both dates and times (for more information, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#)).

Procedures

If a current student discloses a situation of abuse or other harm to Staff privately, they should stay calm and not display expressions of panic or shock.

Staff should reassure and support the student.

You can do this by:

- stating clearly that the abuse or other harm is not the student's fault
- reassuring the student that you believe them
- telling the student that disclosing the matter is the right thing to do.

You should be patient, and allow the student to talk at their own pace. When responding you should use the student's language and vocabulary.

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

It is not your role to investigate the allegation. You should not interrogate the student or pressure them to tell you more than they want to.

Following a disclosure of abuse or other harm by a student, Staff should follow the steps set out in [Support Following Child Safety Incident or Disclosure](#).

Public Disclosure by a Current Student

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the policies and procedures to follow when a staff member witnesses a student disclosing a child safety incident or concern in public (a public disclosure).

Key Definition: Public Disclosure

“Public disclosure” occurs where a staff member observes a student disclosing abuse or other harm to another student or group of students.

St Patrick's College's Policy

When a staff member observes a student making a public disclosure, they should:

- use a strategy of “protective interrupting” set out below and then follow the policy and procedures for [Private Disclosure by a Student](#)
- where necessary, follow the steps set out in [Support Following Child Safety Incident or Disclosure](#) for any students who may have heard the disclosure.

Procedures

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

You can do this by:

- asking the student if you can talk privately
- moving the student away from the other students to a quiet space

and then following [Private Disclosure by a Student](#).

Third Party Disclosure

Purpose

A third party may provide a staff member with information relating to a child safety incident or concern involving a student, the College and/or another staff member.

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the policies and procedures to follow in this situation.

Key Definition: Third Party

A “third party” may be a friend of the student, a relative or another parent/carer.

St Patrick's College's Policy

If a disclosure is made by a third party to a staff member, the staff member must:

- report the matter internally to a Child Safeguarding Officer or the Principal (or to the EREA Director of Safeguarding if the child safety incident or concern involves the Principal) as soon as possible
- comply with any external reporting requirements
- make written notes of the circumstances of the disclosure recording both dates and times (for more information, refer to [Child Safeguarding Record Keeping Policy and Procedures](#)).

In some circumstances, such as when the disclosure relates to a child safety incident occurring at the College or a College event, or the conduct of a staff member, Volunteer or Contractor, a third-party disclosure should be considered a child safeguarding-related complaint and must be managed pursuant to our [Child Safeguarding Complaints Management Policy and Procedures](#).

Procedures

When a third party makes a disclosure, you should:

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

As with Private Disclosure by a Student, you should reassure and support the person providing the information.

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

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

Disclosure by a Former Student

Purpose

A former student may come forward to a current staff member and disclose past abuse or other harm from their time at the College.

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the policies and procedures to follow in this situation.

Key Definitions

Former Student

A “former student” of the College is a person who attended the College as a student but no longer does so. They may be a child or an adult.

Historical Abuse or Other Harm

“Historical abuse or other harm” is child abuse or other harm that is alleged to have occurred at or involved the College in the past. This could be months, years or even decades ago.

St Patrick's College's Policy

Disclosures of historical abuse or other harm by a former student should be considered a child safeguarding-related complaint and must be managed pursuant to our Child Safeguarding Complaints Management Policy and Procedures.

If a staff member receives a disclosure from a former student about historical abuse or other harm that is alleged to have occurred at the College, they must also take any immediate actions that may be required, including but not limited to:

- if the former student is still a child, Staff must follow any and all relevant policies and procedures for responding to and reporting child safety incidents or concerns, specifically the obligations they may have under:
 - [Duty to Protect/Failure to Protect Policy and Procedures](#)
 - [Mandatory Reporting to Child Protection Policy and Procedures](#)
 - [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
 - [Reporting to Police Policies and Procedures](#)
 - [Reportable Conduct Policies and Procedures](#)
 - [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- if the former student is an adult, similar actions may be required. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under the Duty to Protect/Failure to Protect Policy and Procedures to remove the risk of abuse or harm to current students.

Support Following a Child Safety Incident or Disclosure

Purpose

This subsection of the Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures sets out the College's policies and procedures for providing support to people after a child safety incident has occurred, when a child safety concern has arisen, or when a disclosure of a child safety incident or concern has been made.

Child safety incidents or concerns can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral to the relevant authorities, the College plays a central role in addressing this trauma and has a duty of care to ensure that the students feel safe and supported at College.

The College also has a duty of care to Staff, Volunteers and Contractors who may witness a child safety incident or who receive a disclosure of child abuse and other harm.

Key Definition: Trauma informed care

"Trauma informed care" is an approach to providing support to victims that aims to do no harm, i.e. the process of providing support does not re-traumatise or blame victims for their efforts to manage their traumatic reactions and it embraces a message of hope and optimism that recovery is possible.

The core trauma informed care principles, as described by the Blue Knot Foundation, are:

- Safety – emotional as well as physical
- Trust – being sensitive to people's needs
- Choice – providing the opportunity for choice
- Collaboration – 'doing with' rather than 'doing to'
- Empowerment – empowering people is a key focus
- Respect for Diversity – in all its forms.

St Patrick's College's Policy

The College will provide support to students/former students, their families, Staff, Volunteers and Contractors who are impacted by child safety incidents or concerns, in a way that is consistent with the principles of trauma-informed care.

Procedures for Providing Support to Current Students

Support for the Student Immediately Following Incident or Disclosure

Staff members should take the steps outlined below to support and assist a student immediately after a child safety incident has occurred or a disclosure of child abuse or other harm is made.

The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to the student
- the capability and willingness of the parent/carer to protect the student from harm.

After a disclosure is made:

- do not promise the student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the student that telling an adult was the right thing to do.

Steps following child safety incident or disclosure:

- tell the student what you plan to do next
- discuss the matter with one of the College's Child Safeguarding Officers who will assist you in developing additional support strategies for the student
- whenever there are concerns that a student is in immediate danger, call the Police on 000.

Ongoing Support for the Student and Family: The Student Support Plan

If a student is impacted by a child safety incident or concern, Child Safeguarding Officers will work with the student and their family to develop a Student Support Plan and engage external support services, using trauma informed care principles.

Students and parents/carers are also able to contact one of the College's Child Safeguarding Officers at any time to access support.

Guidelines for Developing the Student Support Plan

Support strategies that could be considered for students and/or their families following a child safety incident or disclosure might include offering or organising referrals to internal or external support, such as the College counsellor, a family counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation that specialises in supporting children and young people impacted by abuse or other harm.

When supporting a student with disability who has been impacted by a child safety incident or concern, the College considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies; and
- the student's vulnerability to ongoing abuse and other harm when considering the need to make a further report and/or implement further risk mitigation strategies.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, the College provides culturally appropriate support. Where possible the College will work with relevant cultural support groups, ensure that the family's privacy is maintained, and engage an interpreter when communicating with the student's family.

Similarly, when supporting international students who have been impacted by a child safety incident or concern, the College will give consideration to appropriate measures to be taken for the welfare of the student, including additional support where appropriate given that the student's family may not be present to provide support within the home environment.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student and their family.

Procedures for Providing Support to Former Students

Staff members should take the following steps to support and assist a former student after a disclosure of past abuse or other harm during their time at College. The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to current students
- if the former student is still a child or young person, the capability and willingness of their parent/carer to support the former student
- if the former student is an adult, their wants and needs with respect to receiving support from the College.

After a disclosure is made:

- do not promise the former student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the former student that it was the right thing to do to tell the College about the allegation.

Steps following disclosure:

- tell the former student what you plan to do next
- discuss the matter with one of the College's Child Safeguarding Officers who can assist you in developing additional support strategies for the former student
- whenever there are concerns that there may be immediate danger, call the Police on 000.

Support Strategies for Former Students

Support strategies that should be considered, in consultation with a Child Safeguarding Officer, for former students following disclosure might include offering or organising referrals to internal or external support, such as the College counsellor, a family counsellor, bi-cultural workers and/or translators, or an external support or advocacy organisation.

Procedures for Supporting Staff, Volunteers and Contractors

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for Staff, Volunteers and Contractors involved. The College assists impacted Staff, Volunteers and Contractors to access necessary support, using trauma-informed care principles.

Refer to our Insert Name of Staff Support Program.

The College has also appointed a number of Child Safeguarding Officers, including a Senior Child Safeguarding Officer, who can support staff members, Volunteers and Contractors when responding to child safety issues and disclosures of abuse or other harm.

Reporting a Child Safety Incident or Concern Internally Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse requires that all College Staff must report internally to the College any instances of suspected child abuse, regardless of whether the alleged perpetrator is a parent/carer, other family member, member of the community or College staff member, Volunteer, Contractor or Visitor.

This Policy and its Procedures outline when and how an internal report about a child safety incident or concern must be made to the College.

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

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

Roles and responsibilities relevant to the Reporting a Child Safety Incident or Concern Internally Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

While the Principal delegates certain responsibilities for receiving and managing internal reports to members of the College's Staff, the Principal retains ultimate responsibility and accountability for the internal reporting process.

St Patrick's College's Policy

1. All Staff who have made or will make a Mandatory Report to Child Protection, a Non-Mandatory Report to Child Protection or a Report to Police because they know or have reasonable grounds to

believe that a student:

- has been, is being or is likely to be abused or otherwise harmed; or
- is at risk of significant harm for any reason,

must – in addition to reporting externally – report the matter internally.

2. All Staff must also report internally any breaches of the Child Safeguarding Codes of Conduct or other Reportable Conduct by Staff, Volunteers and Contactors.

3. All Staff must document their internal report in the PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools.

4. All Staff must also follow any appropriate external reporting procedures listed below:

- Duty to Protect/Failure to Protect Policy and Procedures
- Mandatory Reporting to Child Protection Policy and Procedures
- Non-Mandatory Reporting to Child Protection Policy and Procedures
- Reporting to Police Policies and Procedures
- Reportable Conduct Policies and Procedures
- Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures

5. Reporting the matter internally does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

In particular, the above external reporting obligations will apply if your concerns reach the required threshold for reporting, even if the Principal, the EREA Director of Safeguarding or a Child Safeguarding Officer to whom you have reported internally does not share your belief that an external report must be made and/or advises you not to report externally.

Procedures

How to Report

Internal reports may be made to the Principal or one of the College's Child Safeguarding Officers (who are delegates of the Principal).

Contact details for our Child Safeguarding Officers, including our Senior Child Safeguarding Officer, are set out here.

If the child safety incident or concern involves Reportable Conduct by an employee, then you must follow [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally Policy and Procedures](#).

If the allegations are about the Principal, you must instead report internally to the EREA Director of Safeguarding.

Obtain Advice

If you suspect that a student may be experiencing abuse or other harm or that their safety may be at risk, but you are unsure whether your concern rises to the levels required for external reporting to the relevant authority, you should immediately raise your concerns with one of the College's Child Safeguarding Officers. The College's Child Safeguarding Officers will be able to assist you in clarifying your concerns and managing the next steps.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website, as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Internal Reporting Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision

- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Reporting a Child Safety Incident or Concern Internally Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation and Related Legislative Instruments

The Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) requires all College Staff to report internally to the College any instances of suspected child abuse, regardless of whether the alleged perpetrator is a parent/carer, other family member, member of the community or College staff member, Volunteer, Contractor or Visitor.

EREA and St Patrick's College Policy and Procedures Linkages

- Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures
- Duty to Protect/Failure to Protect Policy and Procedures
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)

Insert Related Policies/Procedures

Related Forms and Documents

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A](#)

Template for Victorian Schools

Insert Related Forms/Documents

References and Resources

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018

Policy Administration

Insert Policy Control/Administration Information

Duty to Protect-Failure to Protect Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

This Policy and its Procedures outline the College's policies, and the procedures you should follow, to fulfil both the common law duty to protect students and the criminal offence of Failure to Protect.

The Common Law Duty to Protect

The College has a common law duty of care to protect all students, regardless of their age, from reasonably foreseeable risks of harm while at the College or engaging in College activities.

The College expects all Staff, Volunteers and Contractors to act to protect students from reasonably foreseeable risks of harm.

Failure to do this is not only a breach of your duty of care, but may also be, in certain circumstances, a criminal offence.

The Criminal Offence of Failure to Protect

Section 490 of the Crimes Act 1958 (Vic) (Crimes Act) creates a criminal offence that is commonly known as 'Failure to Protect', although its full title is "Failure by a person in authority to protect a child from a sexual offence".

The Failure to Protect offence means that action **must** be taken:

- by any Staff, Volunteer or Contractor who has the power or responsibility to do so
- to protect students aged under 16
- from a known substantial risk of the student becoming the victim of a sexual offence by an adult staff member, Volunteer or Contractor at the College.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions,

interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Associated with

Under the Crimes Act, an adult “associated with” a relevant organisation “includes, but is not limited to, an officer, employee, manager, owner, volunteer, contractor or agent of the organisation”.

Relevant to the College context, this includes:

- EREA personnel
- College EREA Victorian Schools Board members
- the Principal
- all staff members, including teaching and non-teaching, permanent and casual Staff
- all Volunteers (including parent/carer volunteers)
- all Contractors.

For the purposes of the Failure to Protect offence, an adult is not considered to be “associated with” the College only because they receive services from the College. This means that students aged 18 or over, parents/carers and other family members of students who are not Staff, Volunteers or Contractors are not “associated with” the College for the purposes of the Failure to Protect offence.

Care, supervision or authority over children

The Failure to Protect offence lists the organisations that are considered to have “care, supervision or authority over children” and that, as a result, are relevant organisations. In particular, it is clear from the definition of “relevant organisation” in the Crimes Act that the College has care, supervision or authority over children.

Know

“Know” is not defined in the Crimes Act. It is likely to be more than holding a tentative belief or mere suspicion. For example, under Victorian common law and under Commonwealth criminal law, a person has “knowledge of” a circumstance if they are “aware that it exists or will exist in the ordinary course of events”.

If a person with the power or responsibility to act, by reason of their position at College, has a suspicion or belief (rather than “knowledge”) that students are at risk of a sexual offence, or other child abuse or harm, from an adult associated with the College they should take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Safeguarding Officer.

Reasonably foreseeable risk of harm

Section 48 of the Wrongs Act 1958 (Vic) defines a “foreseeable risk” as a risk that a person knew or ought to have known about.

A “reasonably foreseeable risk of harm” is one that is not far-fetched or fanciful.

In determining whether a reasonable person would have taken precautions against a risk of harm occurring, a court will consider:

- the probability that the harm would occur if care were not taken
- the likely seriousness of the harm
- the burden of taking precautions to avoid the risk of harm
- the social utility of the activity that creates the risk of harm.

Relevant organisation

A “relevant organisation” is defined in the Crimes Act as one that exercises care, supervision or authority over children, whether as its primary function or otherwise.

Relevant to the College context, the following are included in the Crimes Act as “relevant organisations”:

- religious bodies
- schools
- education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic) (e.g. out of school hours care)
- sporting groups
- charities or benevolent organisations.

Organisations that are not included in the list (such as private businesses) are also considered a relevant organisation if they have an agreement or arrangement with a relevant organisation to engage in activities associated with that organisation's care, supervision or authority over children. This may include, for example, a business contracted by the College to take students' year photos.

Sexual offence

The list of sexual offences that are captured by the Failure to Protect offence is extensive. It includes:

- rape
- indecent assault
- incest
- sexual penetration
- an adult communicating, by words or conduct, with a child under the age of 16 years or with a person who has **care, supervision or authority** of the child (e.g. the child's parents, teachers, etc), with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult (grooming a child or grooming an adult with care, supervision or authority of a child)
- encouraging a child to engage in, or be involved in, sexual activity
- an attempted sexual offence or an assault with intent to commit a sexual offence.

Substantial risk

A "substantial risk" is not defined in the Crimes Act. It is likely that a substantial risk would mean that a reasonable person would consider, on the balance of probabilities, that the risk of a sexual offence being committed against the student to be probable.

A number of factors will contribute to determining if the risk of a sexual offence being committed against a student is a substantial risk, including:

- the likelihood or probability that the student will become the victim of a sexual offence
- the nature of the relationship between the student and the adult who may pose the risk
- the background of the adult who may pose the risk to the student, including any past or alleged misconduct
- any vulnerabilities particular to the student 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 student.

A person with the power or responsibility to act, by reason of their position should not wait for a student to be actually harmed before acting.

Roles and Responsibilities

Roles and responsibilities relevant to the Duty to Protect/Failure to Protect Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. All Staff at the College **must** comply with their obligations under both the common law duty to protect and the Failure to Protect offence.

2. To ensure that these obligations are met, it is the College's policy that Staff who know that any adult associated with the College (including students aged 18 or over, parents/carers and other family members of students):

- poses a substantial risk that a student or students aged under 16 may become the victim of a sexual offence by that adult; or
- poses a reasonably foreseeable risk of any type of child abuse or other harm to a student (regardless of the student's age)

must take actions to reduce or remove that risk that are within their power or responsibilities to take.

3. In addition, Staff **must** report the matter to the Principal or the EREA Director of Safeguarding if the adult who poses the risk is the Principal).

4. All Staff **must also** follow the appropriate external reporting procedures. In particular, knowledge that an adult associated with the College poses a substantial risk of a sexual offence against a student aged under 16, or a foreseeable risk of child abuse or other harm to a student of any age, may require:

- [Mandatory Reporting to Child Protection](#)
- [Reporting of Reportable Conduct](#)
- [Reporting to Police](#)

Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any of these other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Procedures

Scope of the Failure to Protect Offence

For the purposes of the Failure to Protect offence, it does not matter if the student, the person who poses the substantial risk or the person who has the power or responsibility to act are outside of Victoria, as long as the student was in Victoria at any time while the substantial risk existed or as long as the sexual offence was at risk of occurring in Victoria.

Students aged 18 or over and parents/carers (other than parent volunteers), are not considered adults “associated with” the College for the purposes of the Failure to Protect offence. However, if a student aged 18 or over, a parent/carer and other family member of students poses a reasonably foreseeable risk of sexually abusing a student, the common law duty to protect students still applies.

Who Has the Power or Responsibility to Act to Protect Students?

Whether a staff member, Volunteer or Contractor at the College has “power or responsibility to reduce or remove the risk” to the student will depend on their role at the College and on the source of the risk.

In a normal school context, the Principal and members of the College’s Principal would always have the necessary degree of supervision, power and responsibility to remove or reduce a risk posed by another adult working at the College.

However, on a day-to-day basis, and on tours, excursions, or camps, others at the College may have the requisite power and responsibility.

Examples of other people who may have the power and responsibility, by reason of their position, to act could include:

- teachers
- Direct Contact Volunteers or Direct Contact Contractors where they are in a position of supervision.

When Should Action Be Taken?

The Failure to Protect offence means that any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they:

- know that an adult associated with the College
- poses a substantial risk that a student or students may become the victim of a sexual offence.

In addition, it is the College's policy that that any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they:

- know that any adult associated with the College
- poses a foreseeable risk of abuse or other harm to a student.

Action must be taken as soon as the risk becomes known.

Actions That Can Be Taken to Reduce or Remove the Risk

Where any staff member, Volunteer, or Contractor becomes aware that an adult associated with the College poses a substantial risk of committing a sexual offence, or a foreseeable risk of child abuse or other harm, against a student or students under their care, they should immediately:

- take any and all reasonable steps to remove or reduce the risk to the student or students, which may include immediately removing the person from having contact with the student or students
- report the matter to the Principal (or the EREA Director of Safeguarding if the allegation is about the Principal), as soon as practicable
- record the report according to our Child Safeguarding Record Keeping Policy and Procedures
- report to external authorities, if appropriate.

Appropriate action that can be taken to protect students from a substantial risk of a sexual offence or a foreseeable risk of child abuse or other harm may include, for example:

- a current staff member, Direct Contact Volunteer or Direct Contact Contractor who is known to pose a substantial risk of a sexual offence to students being immediately removed from having contact with students and reported to external authorities
- a parent who is known to pose a risk of physical or emotional abuse to students not being allowed to attend excursions as a parent helper.

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

Record Keeping Obligations

For the College's record keeping obligations relating to child safety incidents, refer to the Child Safeguarding Record Keeping Policy and Procedures.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which is available on our public website, as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Duty to Protect/Failure to Protect Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Duty to Protect/Failure to Protect Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)

- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation (Failure to Protect) and Related Legislative Instruments

Under section 490 of the Crimes Act 1958 (Vic), a person commits an offence if:

- the person occupies a position within or in relation to a relevant organisation; and
- there is a substantial risk that a child (aged under 16) under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation; and
- the person knows that the risk exists; and
- by reason of their position, the person has the power or responsibility to reduce or remove that risk; and
- the person negligently fails to reduce or remove that risk.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Department of Justice and Community Safety, [Failure to protect: a new criminal offence to protect children from sexual abuse](#), 2020

Policy Administration

Insert Policy Control/Administration Information

Mandatory Reporting to Child Protection Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Mandatory reporting by certain people at the College, of child safety incidents or concerns involving physical or sexual abuse, is required under section 184 of the Children, Youth and Families Act 2005 (Vic) (CYF Act) if the child is "in need of protection".

Failure to make a report is an offence.

This Policy and its Procedures outline the College's policies, and the procedures that Mandatory Reporters must follow, with respect to making a Mandatory Report to the Department of Families, Fairness and Housing (Child Protection).

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices

heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors who are Mandatory Reporters (together referred to as “Mandatory Reporters” for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Who is a Mandatory Reporter Under the Law?

Mandatory Reporters are listed in section 182 of the CYF Act and are:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- principals of government and non-government schools
- school counsellors
- police officers
- out of home care workers (other than voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry*.

Who is a Mandatory Reporter at the College?

At St Patrick's College, the following people are Mandatory Reporters:

- all teachers
- the Principal
- medical practitioners
- nurses

- school counsellors
- registered psychologists
- early childhood workers
- persons in religious ministry*.

* “Person in religious ministry” is defined in the CYF Act to mean “a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution”. This definition includes a chaplain, priest, pastor, minister, brother and nun.

It is the responsibility of other Staff, Volunteers or Contractors to check whether they are Mandatory Reporters under child protection legislation.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Belief on reasonable grounds

The concept of a “belief on reasonable grounds”, or a ‘reasonable belief’, requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It is a low threshold.

A ‘reasonable belief’ does not require proof, but does require more than a mere rumour or suspicion. Reporters should ensure that their concerns are well founded and based on information from a reliable source.

There may be reasonable grounds for forming such a belief if:

- you witness the physical or sexual abuse of a child
- a child tells you that they have been physically or sexually abused
- a child tells you that they know someone who has been physically or sexually abused
- someone who knows the child tells you that the child has been physically or sexually abused
- a child shows physical or behavioural signs of being physically or sexually abused.

In the course of their professional work or when carrying out the duties of their office, position or employment

The meaning of this phrase is not defined in the CYF Act. It likely means that the belief that the child is in need of protection must arise as a result of the Mandatory Reporter's duties at or for the College. This includes duties that occur at College events that take place outside College grounds, such as sporting competitions, excursions and camps.

It does not matter whether the professional work or duties are carried out as a staff member, Volunteer or Contractor.

Incidents or concerns that arise outside of these duties do not fall into Mandatory Reporting requirements. For example, while doing personal shopping outside school hours, a teacher witnesses a child being physically injured by their parent. The teacher can still make a Non-Mandatory Report to Child Protection but would not be subject to criminal charges if they fail to do so.

In need of protection

When a child is "in need of protection" it means that the state should intervene in the life of the child and/or their family in order to protect the child from harm, regardless of whether or not the child or their family consents.

Section 162 of the CYF Act sets out the grounds on which a child is considered "in need of protection". For the purposes of Mandatory Reporting to Child Protection, the child must be in need of protection because:

- the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to Physical Abuse and Physical Violence)
- the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to Sexual Abuse and Sexual Offences).

The harm may be caused by a single act, omission or circumstance or accumulate through a series of acts, omissions or circumstances.

Significant harm

"Significant harm" is not defined in the CYF Act. It has been defined in case law, and is defined in the Victorian Child Protection Manual, as harm that:

- is more than trivial or insignificant, but need not be as high as 'serious'
- is 'important' or 'of consequence' to the child's development

- need not have a lasting or permanent effect, nor necessarily be treatable.

Significant harm may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

In general, it would mean harm that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Significant harm can result from a single act or omission or an accumulation of these.

Parents have not protected, or are unlikely to protect, the child from harm.

The meaning of this phrase is not defined in the CYF Act, but some examples may assist.

A parent who “has not protected, or is unlikely to protect” their child from harm includes a parent who wants to protect their child from harm, but lacks the means to do so.

It also includes a parent who has the means to protect their child from harm, but does not want to do so.

A parent may be considered “unlikely to protect” their child for many reasons. For example:

- the parent does not, or refuses to, recognise that harm is occurring
- the parent or child may be subject to domestic violence
- the parent's partner may be abusive or harmful to the child.

“Parent” includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

Roles and Responsibilities

Roles and responsibilities relevant to the Mandatory Reporting to Child Protection Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. Mandatory Reporting Obligations

All Mandatory Reporters at the College must comply with their Mandatory Reporting obligations under the CYF Act.

Mandatory Reporters must make a Mandatory Report to Child Protection when, in the course of practising your profession or carrying out duties for the College, you form a belief on reasonable grounds that:

- a child aged under 17 (or aged 17 and under a child protection order) is in need of protection because they have suffered or are likely to suffer significant harm as a result of:
 - physical injury; or
 - sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A Mandatory Reporter must still make a report if:

- you have discussed the matter with one of the College's Child Safeguarding Officers or the 'head' of the College and they do not share your belief that a Mandatory Report is required
- another Mandatory Reporter, such as the College's Child Safeguarding Officer or the Principal, has undertaken to make the report but has not done so (for more information, refer to [Making Additional Reports Policy and Procedures](#)).

2. Record Keeping about Mandatory Reports to Child Protection

When a Mandatory Report to Child Protection is made in response to a child safety incident or concern, this must be recorded on [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#).

For more information on how to record Mandatory Reports, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

3. Mandatory Reporting and Other Obligations

Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Procedures

Application to Students Aged 17 or over

The legislative requirements for Mandatory Reporting to Child Protection apply only with respect to students aged 16 or under and to students aged 17 who are subject to a child protection order. Therefore, a reasonable belief that a student aged 17 or over is in need of protection as a result of physical or sexual abuse cannot be reported to Child Protection, unless they are the subject of a child protection order.

A reasonable belief that a student aged 17 years or older has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse should instead be reported to the Police. Reporting to Police for students aged 18 or over can only occur if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to [Information Sharing with Consent](#), [Information Sharing Without Consent](#) and [Reporting to Police Policies and Procedures](#).

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. For more information, refer to [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#). Therefore, even if a Mandatory Report is not possible, staff members have the same internal reporting obligations with respect to a reasonable belief of physical or sexual abuse of a student aged 17 or over as they do for students aged 16 or under.

Reporting by Non-Mandated Reporters

Mandatory Reporters who reasonably believe that a child (aged under 17) may be in need of protection for reasons other than physical or sexual abuse, or whose concerns arose other than in the course of their work, can still report externally.

Staff, Volunteers or Contractors who are not Mandatory Reporters can also report externally if they reasonably believe that a child (aged under 17) is in need of protection.

These reports can be made to either Child Protection or to the Police under section 183 of the CYF Act.

For more information, refer to [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

All College Staff, Volunteers or Contractors who have child safety concerns about a student should notify a College Child Safeguarding Officer as soon as possible to discuss their concerns. For more information, refer to [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#).

Even if you are not a Mandatory Reporter to Child Protection under the CYF Act, you may still be required to make an external report to other agencies under other legislation or under our Child Safeguarding Program. For more information, refer to [Reporting to Police Policies and Procedures](#) and [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

When to Make a Mandatory Report

A Mandatory Report to Child Protection must be made as soon as practicable after forming the reasonable belief. Additional reports must be made after each occasion on which the Mandatory Reporter becomes aware of any further reasonable grounds for the belief. For more information, refer to [Making Additional Reports Policy and Procedures](#). To help you decide whether or not you should make a Mandatory Report to Child Protection, you may refer to:

- the Victorian Department of Education's [Step-by-Step Guide to Making a Report to Child Protection or Child FIRST](#)
- the joint protocol published by Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools [Protecting the safety and wellbeing of children and young people](#)
- Child Protection's [Mandatory Reporting to Child Protection in Victoria – frequently asked questions](#).

What if my concern is not about physical or sexual abuse or if I am unsure if I have a "reasonable belief"?

If you are a Mandatory Reporter and you have a reasonable belief that a child is in need of protection for reasons other than physical or sexual abuse, it is the College's policy that you must still make a report to Child Protection. For more information, refer to [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

If a child safety incident or concern does not meet the requirements for either Mandatory or Non-Mandatory Reporting to Child Protection (for example because the child's parents have protected or are likely to protect the child from the harm), you must still follow other relevant policies and procedures set out in the Child Safeguarding Program, including [Reporting a Child Safety Incident or](#)

[Concern Internally Policy and Procedures](#), [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#) and [Child Safeguarding Record Keeping Policy and Procedures](#).

If you are concerned that a student may be experiencing physical or sexual abuse, but you are unsure whether your concern rises to the level of “a belief on reasonable grounds” that the child is in “need of protection”, you should immediately raise your concerns with one of the College’s Child Safeguarding Officers.

Our Child Safeguarding Officers are able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safeguarding Officers are set out [here](#).

[How to Make a Mandatory Report to Child Protection](#)

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

Under the CYF Act, Mandatory Reports must be made to a “protective intervenor”. Protective intervenors are defined in the CYF Act as the Secretary of the Department of Families, Fairness and Housing (or their delegate) and all police officers.

If you have contacted the Police, either as a result of [Responding to an Emergency](#) or [Reporting to Police Policies and Procedures](#), then you have made your Mandatory Report.

If you have not contacted Police, you must report to Child Protection. You must do this by:

- during business hours (8:45am-5:00pm, Monday to Friday), telephoning the Child Protection intake service for the local government area where the child resides, listed [here](#).
- after hours, telephoning Child Protection on 13 12 78.

Reports to Child Protection cannot be made via the Child Protection website or email, as staff who monitor the Child Protection website are not delegated officers of the Secretary.

You should provide as much of the following information as you can:

- [details](#) – the child’s or young person’s name, age and address
- [indicators of harm](#) – the reason for believing that the injury or behaviour is the result of abuse or neglect
- [reason for reporting](#) – the reason why the call is being made now

- safety assessment – assessment of immediate danger to the child or children. For example, information may be sought on the whereabouts of the alleged abuser or abusers
- [description](#) – description of the injury or behaviour observed
- [child's whereabouts](#) – the current whereabouts of the child or young person
- [other services](#) – your knowledge of other services involved with the family
- [family information](#) – any other information about the family
- [cultural characteristics](#) – any specific cultural or other details that will help to care for the child, for example, cultural origins, interpreter or disability needs.

What Happens After a Report is Made

After receiving a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

If the matter progresses to investigation, Child Protection officers will observe and speak with the child or young person and their parents. They may also speak with relevant professionals, information holders and other significant people in the child's life who can inform the investigation or provide information to assist Child Protection to assess if the child is in need of protection. In circumstances involving physical and sexual abuse and serious neglect, investigations may be conducted jointly with Victoria Police.

If the matter does not progress to investigation, Child Protection may provide advice to the Mandatory Reporter, refer the family to support services in the community (such as Child FIRST or The Orange Door), or they may decide to take no further action.

In most cases, Child Protection will inform the Mandatory Reporter of the outcome of their report.

For more information, refer to Child Protection's [Mandatory Reporting to Child Protection in Victoria – frequently asked questions](#).

Mandatory Reporting to Child Protection and Other Reporting Obligations

Although a reasonable belief that a child aged under 16 has been sexually abused would normally require Reporting to Police, you do not need to report to Police if you make a Mandatory Report to Child Protection. This is because Child Protection notifies the Police of all allegations of child sexual abuse that it receives. However, you may still need to make a Report to Police if you have further information. For more information, refer to [Reporting to Police Policies and Procedures](#). You will also need to report this internally – for more information, refer to [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#).

A reasonable belief that a child has been physically or sexually abused by a staff member, Volunteer or Contractor must be reported to Child Protection as a Mandatory Report as well as internally and externally in accordance with [Reportable Conduct Policies and Procedures](#). If the staff member is a Teacher, the College must also report to the Victorian Institute of Teaching. For more information, refer to [Reporting Teacher Misconduct that is Reportable to the Victorian Institute of Teaching Policy and Procedures](#).

Overseas Students

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

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Mandatory Reporting to Child Protection Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties

- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Mandatory Reporting to Child Protection Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- Reporting a Child Safety Incident or Concern Internally Policy and Procedures
- Non-Mandatory Reporting to Child Protection Policy and Procedures
- [Reporting to Police Policies and Procedures](#)
- Making Additional Reports Policy and Procedures

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Section 184 of the Children, Youth and Families Act 2005 (Vic) (CYF Act) requires that Mandatory Reporters must make a report to Child Protection if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child (aged under 17) is in need of protection because:
 - the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse; and
 - the child's parents have not protected or are unlikely to protect the child from the harm.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Department of Education and Training, [Your Reporting and Legal Obligations](#), 2018
- Department of Health and Human Services, [Reporting child abuse](#), 2018
- Department of Health and Human Services, [Online Child Protection Manual](#)
- Joint protocol by Department of Health and Human Services, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools, [Protecting the safety and wellbeing of children and young people](#)
- Department of Health and Human Services, [Mandatory Reporting to Child Protection in Victoria – frequently asked questions](#)

Policy Administration

Insert Policy Control/Administration Information

Non-Mandatory Reporting to Child Protection Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

This Policy and its Procedure deal with the reporting of child safety incidents or concerns to Department of Families, Fairness and Housing (Child Protection) when that reporting is not legally required under the Children, Youth and Families Act 2005 (Vic) (CYF Act). You should make a Non-Mandatory Report under this Policy only if you do not have an obligation to report under the Mandatory Reporting to Child Protection Policy and Procedures.

Sections 28, 183 and 185 of the CYF Act set out the circumstances in which any person can make a report to Child Protection:

- Section 28: reports can be made to Child Protection if a person has a significant concern for the wellbeing of a child (aged under 17). We call this a 'wellbeing report'.
- Section 183: reports can be made to either Child Protection or the Police if a person believes on reasonable grounds that a child (aged under 17) is in need of protection. We (and the CYF Act) call this a 'protective intervention report'.
- Section 185: reports can be made to Child Protection if a person believes on reasonable grounds that a child (aged under 18) is in need of therapeutic treatment because the child is exhibiting sexually abusive behaviours. We call this a 'therapeutic treatment report'.

Together, we call these external reports Non-Mandatory Reports to Child Protection.

Although these reports are all voluntary under the CYF Act, the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse published by the Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria (Four Critical Actions), sets out circumstances in which these reports must be made by staff members.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices

heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all **staff members**.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Belief on reasonable grounds

The concept of a “belief on reasonable grounds”, sometimes called a ‘reasonable belief’, requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It is a low threshold.

A reasonable belief does not require proof, but does require more than a mere rumour or suspicion. Reporters should ensure that their concerns are well founded and based on information from a reliable source.

There may be reasonable grounds for forming such a belief if:

- you witness the physical, sexual or emotional/psychological abuse or neglect of a child
- a child tells you about one or more incidents of physical, sexual or emotional/psychological abuse or neglect
- a child tells you that they believe someone else has been subjected to physical, sexual or emotional/psychological abuse or neglect
- someone who knows the child tells you that the child has been subjected to physical, sexual or emotional/psychological abuse or neglect

- a child shows physical or behavioural signs of physical, sexual, or emotional/psychological abuse or neglect.

In need of protection

When a child is “in need of protection” it means that the state should intervene in the life of the child and/or their family in order to protect the child from harm, regardless of whether or not the child or their family consents.

Section 162 of the CYF Act states that a child is “in need of protection” if any of the following grounds exist:

- (a) the child has been abandoned by his or her parents and after reasonable inquiries
 - (i) the parents cannot be found; and
 - (ii) no other suitable person can be found who is willing and able to care for the child
- (b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to Physical Abuse and Physical Violence)
- (d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to Sexual Abuse and Sexual Offences)
- (e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to Significant Emotional or Psychological Harm and Serious Emotional and Psychological Harm)
- (f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care (refer to Significant Neglect and Serious Neglect).

For the purposes of subsections (c) to (f), the harm may occur, or be likely to occur as a result of a single act, omission or circumstance or may accumulate through a series of acts, omissions or circumstances.

Sexually abusive behaviour

The Therapeutic Treatment Board in Victoria has defined the term “sexually abusive behaviour” as follows:

“A child has exhibited sexually abusive behaviours when they have used their power, authority or status to engage another party in sexual activity that is either unwanted or where, due to the nature of the situation, the other party is not capable of giving consent (for example animals, or children who are younger or who have a cognitive impairment). Physical force or threats are sometimes involved. Sexual activity may include exposure, peeping, fondling, masturbation, oral sex, penetration of a vagina or anus using a penis, finger or object, or exposure to pornography. This is not an exhaustive list.”

For the purposes of therapeutic treatment reports, the child must be aged 10 to 17.

For guidance on identifying sexually abusive behaviour, refer to the Department of Families, Fairness and Housing publication Problem Sexual Behaviour or Sexually Abusive Behaviour.

Significant harm

“Significant harm” is not defined in the CYF Act. It has been defined in case law, and is defined in the Victorian Child Protection Manual, as harm that:

- is more than trivial or insignificant, but need not be as high as ‘serious’
- is ‘important’ or ‘of consequence’ to the child’s development
- need not have a lasting or permanent effect, nor necessarily be treatable.

Significant harm may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

In general, it would mean harm that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Significant harm can result from a single act or omission or an accumulation of these.

Significant concern

“Significant concern” is not defined in the CYF Act. It likely means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Parents have not protected, or are unlikely to protect, the child from harm

The meaning of this phrase is not defined in the CYF Act, but some examples may assist.

A parent who “has not protected, or is unlikely to protect” their child from harm includes a parent who wants to protect their child from harm, but lacks the means to.

It also includes a parent who has the means to protect their child from harm, but does not want to.

A parent may be considered “unlikely to protect” their child for many reasons. For example:

- the parent does not, or refuses to, recognise that harm is occurring
- the parent or child may be subject to domestic violence
- the parent's partner may be abusive or harmful to the child.

“Parent” includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

Roles and Responsibilities

Roles and responsibilities relevant to the Non-Mandatory Reporting to Child Protection Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. Reporting Obligations

All staff members must comply with the [Four Critical Actions](#).

In effect, the Four Critical Actions requires that all Staff (including those who are not Mandatory Reporters) **must**, in particular circumstances, make wellbeing reports, protective intervention reports and therapeutic treatment reports to Child Protection or take such other action as may be necessary to respond.

It is therefore the College’s policy that:

(a) **All Staff must** either make a report to Child Protection under sections 28, 183 or 185 of the CYF Act, or take specific alternative action, in the following circumstances:

Type of Report	What Must be Reported	Action Required
Wellbeing Report	Significant concerns, formed in the course of your work, for the wellbeing of a student aged under 17.	Report to Child Protection or follow the procedures in Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures .
Protective Intervention Report	Belief on reasonable grounds, formed in the course of your work, that a student aged under 17 is in need of protection for any reason.	Report to Child Protection or Police.
Therapeutic Treatment Report	Belief on reasonable grounds, formed in the course of your work, that a student aged under 18 is in need of therapeutic treatment because they are exhibiting sexually abusive behaviour.	Report to Child Protection.

Each type of report, and when/why it should be made, is described further in the **Procedures**, below.

Staff must make these reports without delay as soon as the required concern or belief has been formed.

Staff must make these reports regardless of any other action they take in relation to the child (including, for therapeutic treatment reports, Reporting to Police under [Responding to Student Sexual Offending Policy and Procedures](#)).

(b) **Child Safeguarding Officers must** make all of the above reports regardless of whether they form the required belief or concern in the course of their work or otherwise.

(c) Concerns or beliefs that do not fall into these requirements (for example, because the relevant child is not a student or because – for Staff other than Child Safeguarding Officers – the concern or belief did not arise in the course of their work), **may** still be reported following the procedures set out in this Policy.

2. Record Keeping about Non-Mandatory Reports to Child Protection

When a Non-Mandatory Report to Child Protection is made in response to a child safety incident or concern, this must be recorded on [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#). For more information on how to record Non-Mandatory Reports, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

3. Non-Mandatory Reporting and Other Reporting Obligations

Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Procedures

Application to Students Aged 17 or Over

The legislative provisions that enable non-mandatory reporting to Child Protection apply only with respect to children aged 16 or under (except for children who may require therapeutic treatment due to exhibiting sexually abusive behaviours or children who are under a child protection order).

Therefore, a reasonable belief that a student aged 17 years or older has suffered or is likely to suffer significant harm, even as a result of physical injury or sexual abuse, cannot be reported to Child Protection and should instead be reported to the Police. Reporting to Police for students aged 18 and over can only occur, however, if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to [Information Sharing with Consent](#), [Information Sharing Without Consent](#) and [Reporting to Police Policies and Procedures](#).

You should also consider whether, in addition, a referral to a support service is required. For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. For more information, refer to

Reporting a Child Safety Incident or Concern Internally Policy and Procedures. Therefore, even if a Non-Mandatory Report is not required, staff members have the same internal reporting obligations with respect to a reasonable belief of significant harm to a student aged 17 or over as they do for students aged 16 or under.

When to Make a Wellbeing Report

You should make a wellbeing report when you form a significant concern for the wellbeing of a child. This may occur if you have concerns that a child is at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development. These concerns could include:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

You can make a wellbeing report even if the child is not in need of protection (for example, even if the child's parent has protected or is likely to protect the child from the harm). Instead of making a wellbeing report you could follow the procedures for making a referral to a community support service (such as Child FIRST or the Orange Door) or take other action as set out in Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures.

To help you decide whether or not you should make a wellbeing report or instead make a referral to a community support service or take other action, you should discuss your concerns with a Child Safeguarding Officer or you may contact Child Protection or Child FIRST for advice.

When to Make a Protective Intervention Report

You must make a protective intervention report when you form a belief on reasonable grounds that:

- a child (under the age of 17) is in need of protection; and
- the child's parents have not protected, or are unlikely to protect, the child from harm.

The Four Critical Actions say that a protective intervention report should be considered if you form the view that a child is in need of protection because:

- the harm or risk of harm has a serious impact on the child’s immediate safety, stability or development; or
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child’s safety, stability and development; and
- the child’s parents cannot or will not protect the child from harm.

To help you decide whether or not you should make a protective intervention report, you should discuss your concerns with a Child Safeguarding Officer or you may contact Child Protection advice. You may also refer to:

- the Victorian Department of Education’s [Step-by-Step Guide to Making a Report to Child Protection or Child FIRST](#)
- the joint protocol published by, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools, [Protecting the Safety and wellbeing of children and young people](#).

Protective Intervention Reports - What if I don’t have or I am unsure if I have a belief on reasonable grounds that the child is in need of protection?

If a child safety incident or concern does not meet the threshold for a protective intervention report (for example, because the child’s parent has protected or is likely to protect the child), you must still follow other relevant policies and procedures set out in the Child Safeguarding Program, including [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#), [Reporting to Police Policies and Procedures](#), and [Child Safeguarding Record Keeping Policy and Procedures](#).

You should also consider whether, or instead, a wellbeing report or a referral to a support service is required. For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

If you are concerned that a student may be experiencing abuse or other harm, or their safety may be at risk, but you are unsure whether your concern rises to the level of “belief on reasonable grounds” that a child is “in need of protection”, you should immediately raise your concerns with one of the Collegé’s Child Safeguarding Officers.

Our Child Safeguarding Officers are able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safeguarding Officers are set out [here](#).

If the matter does not need to be reported to Child Protection, the Child Safeguarding Officer will consider whether referral to a support service is appropriate and, with the informed consent of the child and their parent/carer, may refer the matter. For more information, refer to [Information Sharing with Consent](#).

When to Make a Therapeutic Treatment Report

You must make a therapeutic treatment report when you form a belief on reasonable grounds that a child is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours.

To help you decide whether or not you should make a therapeutic treatment report, you should discuss your concerns with a Child Safeguarding Officer or you may contact Child Protection for advice. You may also refer to the Department of Families, Fairness and Housing publication [Problem Sexual Behaviour or Sexually Abusive Behaviour](#).

For more information, refer to [Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures](#).

How to Make a Non-Mandatory Report to Child Protection

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

Wellbeing reports and therapeutic treatment reports must be made directly to Child Protection.

Under the CYF Act, protective intervention reports must be made to a “protective intervenor”. Protective intervenors are defined in the CYF Act as the Secretary of the Department of Families, Fairness and Housing (or their delegate) and all Police officers. Therefore, if you have contacted the Police, either as a result of [Responding to an Emergency](#) or [Reporting to Police Policies and Procedures](#), then you have made your protective intervention report.

To make a Non-Mandatory Report to Child Protection:

- during business hours (8:45am-5:00pm, Monday to Friday), contact the Child Protection intake service for the local government area where the child resides, listed [here](#).
- after hours, telephone 13 12 78.

Reports cannot be made via the Child Protection website or email, as staff who monitor the Child Protection website are not delegated officers.

You should provide as much of the following information as you can:

- details – the child’s or young person’s name, age and address
- indicators of harm – the reason for believing that the injury or behaviour is the result of abuse or neglect
- reason for reporting – the reason why the call is being made now
- safety assessment – assessment of immediate danger to the child or children. For example, information may be sought on the whereabouts of the alleged abuser or abusers
- description – description of the injury or behaviour observed
- child’s whereabouts – the current whereabouts of the child or young person
- other services – your knowledge of other services involved with the family
- family information – any other information about the family
- cultural characteristics – any specific cultural or other details that will help to care for the child, for example, cultural origins, interpreter or disability needs.

What Happens After a Report is Made – Wellbeing Reports and Protective Intervention Reports

Protective intervention reports made to the Police will be dealt with in accordance with Police practice.

When wellbeing reports and protective intervention reports are made to Child Protection, after receiving the report Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

If the matter progresses to investigation, Child Protection officers will observe and speak with the child and their parents. They may also speak with relevant professionals, information holders and other significant people in the child’s life who can inform the investigation or provide information to assist Child Protection to assess if the child is in need of protection or if the child needs therapeutic treatment. In circumstances involving physical and sexual abuse and serious neglect, investigations may be conducted jointly with Victoria Police.

If the matter does not progress to investigation, Child Protection may provide advice to the reporter, refer the family to support services in the community (such as Child FIRST/The Orange Door), or they may decide to take no further action.

In most cases, Child Protection will inform the reporter of the outcome of the report.

What Happens After a Report is Made – Therapeutic Treatment Reports

For therapeutic treatment reports, section 210 of the CYF Act requires Child Protection to investigate the matter to determine the nature and extent of the sexually abusive behaviours and the

appropriateness of a therapeutic treatment order (a court order that requires the child to participate in an appropriate treatment program and that may require the child's parent or carer to take the necessary steps to enable the child to participate).

Child Protection may then make an application to the Children's Court for a therapeutic treatment order if it assesses that the child is in need of therapeutic treatment, and that the child, or the child's parents/carers, are unable or unwilling to access treatment.

Non-Mandatory Reporting to Child Protection and Other Reporting Obligations

Although a reasonable belief that a child aged under 16 has been sexually abused would normally require Reporting to Police, if you make a protective intervention report or a therapeutic treatment report to Child Protection about a child who has been or may have been sexually abused you do not need to also report to Police unless you have further information. This is because Child Protection notifies the Police of all allegations of child sexual abuse that it receives. For more information, refer to Reporting to Police Policies and Procedures.

A reasonable belief that a child has been physically or sexually abused or subjected to serious emotional/psychological harm or serious neglect by a staff member, Volunteer or Contractor must be reported under Mandatory or Non-Mandatory Reporting to Child Protection as well as internally and externally in accordance with Reportable Conduct Policies and Procedures. If the staff member is a teacher, the College must also report to the Victorian Institute of Teaching. For more information, refer to Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures.

Overseas Students

The College must notify the VRQA if the alleged physical, sexual or emotional/psychological abuse or neglect relates to an overseas student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Non-Mandatory Reporting Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Non-Mandatory Reporting to Child Protection Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Under section 28 of the CYF Act, any person can make a report to the Department of Families, Fairness and Housing (Child Protection) if they have a significant concern for the wellbeing of a child (aged under 17).

Under section 183 of the CYF Act, any person can make a report to either Child Protection or the Police if they believe on reasonable grounds that a child (aged under 17) is in need of protection.

Under section 185 of the CYF Act, any person can make a report to Child Protection if they believe on reasonable grounds that a child (aged under 18) is in need of therapeutic treatment because the child is exhibiting sexually abusive behaviours.

Although these reports are voluntary under the CYF Act, the [Four Critical Actions](#) set out circumstances in which these reports **must** be made by staff members.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Victorian Department of Education, [Step-by-Step Guide to Making a Report to Child Protection or Child FIRST](#)
- Joint protocol by Department of Health and Human Services, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools, [Protecting the Safety and wellbeing of children and young people](#)

Policy Administration

Insert Policy Control/Administration Information

Reporting to Police Policies and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The Policy and its Procedure outline, in the subsections below, the College's policies, and the procedures that you should follow, with respect to reporting child safety incidents or concerns to Police:

- Mandatory Reporting (of Child Sexual Offences) to Police
- Non-Mandatory Reporting to Police
- How to Report to Police
- Record Keeping About Reports to Police.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to the persons set out in the relevant subsections.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Additional key definitions relevant to this Policy and its Procedures are set out in the subsections below.

Roles and Responsibilities

Roles and responsibilities relevant to the Reporting to Police Policies and Procedures are set out in [Child Safeguarding Responsibilities](#).

Failure to Disclose: Mandatory Reporting (of Sexual Offences Against Children) to Police

Purpose

This subsection of the Reporting to Police Policies and Procedures outlines the obligation on all adults in Victoria to report certain criminal offences to Police.

Under section 327 of the Crimes Act 1958 (Vic) (Crimes Act) a person of or over the age of 18 years (whether in Victoria or elsewhere) must make a report to the Police, as soon as it is practicable to do so, if they form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years (including the sexual offence of grooming of a person who has the care, supervision or authority of the child), by another person of or over the age of 18 years.

We call this obligation Mandatory Reporting (of Sexual Offences Against Children) to Police.

Failure to make a report without reasonable excuse is an offence and carries a prison term.

This criminal offence is commonly known as “Failure to Disclose,” though its full title is “Failure to disclose sexual offence committed against child under the age of 16 years.”

Scope

The obligation to report sexual offences against children to Police, and therefore this subsection of the Reporting to Police Policies and Procedures, applies to anyone aged 18 years or over, including all Staff, Volunteers, Contractors and students aged 18 and over.

Definitions

Sexual offence

The Crimes Act sets out what is a "sexual offence". This includes:

- rape
- indecent assault
- incest
- sexual penetration
- an adult communicating, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority of the child (e.g. the child's parent), with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult (grooming a child or grooming an adult with care, supervision or authority of a child)
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

Reasonable belief

A "reasonable belief" is formed if a reasonable person in the same circumstances would believe that an adult had sexually abused a child, for the same reasons that you believe this.

A "reasonable belief" might be formed when:

- a student aged under 16 tells you that they are being or have been sexually abused
- a student, or a former student, aged 16 or over tells you that they were sexually abused when under the age of 16
- a student tells you that they know someone who is being or has been sexually abused (sometimes the student may be talking about themselves)
- someone who knows the student tells you that the student has been sexually abused
- signs of sexual abuse in a student lead to a belief that the student is being or has been sexually abused

- you are a qualified professional who observes the student's behaviour or development, which leads you to believe the student has been sexually abused.

Rumours or unfounded suspicions do not need to be reported.

St Patrick's College's Policy

1. Under the Failure to Disclose offence, any Staff Member, Volunteer, Contractor or student aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child aged under 16 **must** report that information to the Police as soon as practicable.
2. Sexual offences committed against a student aged under 16 by another student who is aged under 18 are not legally required to be reported under the Failure to Disclose offence. However, this **must** still be reported to the Police under other obligations. For more information, refer to [Responding to Student Sexual Offending Policy and Procedures](#).
3. Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Procedures

Scope of the Failure to Disclose Offence

For the purposes of the Failure to Disclose offence, it does not matter whether the child, the perpetrator of the offence, or the person who has information about a sexual offence against the child are themselves in Victoria or not, as long as the offence itself was committed in Victoria.

For example:

- the criminal offence of grooming a child could occur "in Victoria" if a person who is in Victoria grooms a child who is located elsewhere or if a child who is in Victoria is groomed by a perpetrator who is located elsewhere
- a sexual offence against a child could occur in Victoria, but an adult could form a reasonable belief about it when they are themselves located elsewhere (for example, by receiving a disclosure while they are on an interstate camp or excursion).

Reasonable Excuse for Not Reporting to Police

You will not need to report to the Police if you have a reasonable excuse for not doing so.

Under the Crimes Act, a reasonable excuse includes:

- fear for safety: you fear on reasonable grounds for the safety of any person (other than the offender), and do not disclose due to those circumstances
- victim requests confidentiality: a victim, who is now aged 16 or over, told you about the sexual offence (directly or indirectly) and the victim requested that the information not be disclosed. This excuse does not apply if the victim has an intellectual disability and does not have the capacity to make an informed decision about confidentiality
- information already disclosed: you believe on reasonable grounds that the information has already been disclosed to the Police (for example if you or someone else has made a Mandatory Report to Child Protection) and you have no further information to add.

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

- the person involved in the sexual offence
- any organisation (such as the College).

Mandatory Reporting (of Sexual Offences Against Children) to Police and Other Reporting Obligations

The Mandatory Reporting (of Sexual Offences Against Children) to Police obligations covered in this Policy are separate and distinct from other external reporting obligations such as reporting to Child Protection, (refer to [Mandatory Reporting to Child Protection Policy and Procedures](#) and [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)), reporting obligations under the Reportable Conduct Scheme (refer to [Reportable Conduct Policies and Procedures](#)) and obligations to report to the Victorian Institute of Teaching (refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)).

Overseas Students

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

Non-Mandatory Reporting to Police

Purpose

In accordance with the College's zero tolerance for child abuse and other harm, and to promote the safety of all students under our care, there are some circumstances in which the College requires its Staff, Volunteers and Contractors to make a report to Police, even though this is not required by law.

Scope

This subsection of the Reporting to Police Policies and Procedures applies to all Staff, Volunteers and Contractors (together referred to as "Staff" for the purposes of this subsection).

St Patrick's College's Policy

1. Although not required by law, it is the College's policy that all Staff **must** report the following to the Police:

- sexual offences committed by a student under the age of 18 against another person. For more information, refer to [Responding to Student Sexual Offending Policy and Procedures](#).
- concerns for a student's immediate safety. For more information, refer to [Responding to an Emergency](#).
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to [Information Sharing with Consent](#) and [Information Sharing without Consent](#).
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student. For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures Policy and Procedures](#).

2. Other situations in which a report **may** be made to Police are set out in [Responding to Other Concerns About the Wellbeing of a Student](#).

3. Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

How to Report to Police

Procedures

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find [here](#).

Record Keeping about Reports to Police

For information about how to record reports to Police, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Reporting to Police Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Reporting to Police Policies and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Responding to Student Sexual Offending Policy and Procedures](#)
- [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Section 327 of the Crimes Act says that, except in certain circumstances, a person of or over the age of 18 years (whether in Victoria or elsewhere) who:

- has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria
- against a child under the age of 16 years by another person of or over the age of 18 years

must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018](#)

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- Department of Justice and Community Safety, [Failure to Disclose Offence](#)

Policy Administration

Insert Policy Control/Administration Information

Reportable Conduct Policies and Procedures

Introduction to Reportable Conduct Policies and Procedures

Insert Introductory/Purpose Text

The Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) requires the College to investigate and report to the Commission for Children and Young People (CCYP) allegations of reportable conduct, or misconduct that may involve reportable conduct, against employees (reportable allegations).

Under the CWS Act, the “head” of the College must notify the CCYP of a reportable allegation against an employee of which the “head” becomes aware. The “head” of the College must also notify the CCYP of the outcomes of the College’s internal investigation into the matter.

The “head” of the College is the Executive Director of EREA (EREA Executive Director).

This section of the Child Safeguarding Program sets out the College’s expectations, systems, policies and procedures for enabling persons to report reportable conduct both internally and to the CCYP, and for such reports to be investigated and responded to by the College.

The Policies and Procedures in this Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Reportable Conduct Key Definitions and Guiding Information](#)
- [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally Policy and Procedures](#)
- [Reportable Conduct for the Principal and Child Safeguarding Officers Policies and Procedures](#)
 - [Head of the College’s Responsibilities](#)
 - [Notifying the CCYP Policy and Procedures](#)
 - [Initial Response to Reportable Allegation Policy and Procedures](#)

- [Risk Management and Risk Assessments \(Reportable Conduct\) Policy and Procedures](#)
- [Investigating Reportable Allegations Policy and Procedures](#)
- [Making a Finding About Reportable Conduct Procedures and Guiding Information](#)
- [Post-Investigation Actions Policy and Procedures](#)
- [Information Sharing About Reportable Conduct Investigations: Guiding Information](#)
- [Record Keeping About Reportable Conduct Policy and Procedures](#)

Where these policies and procedures refer to Staff and to certain categories of Volunteers and Contractors, these terms include people who are working at or for the College as well as people who are working at or for the Boarding School.

Similarly, where these policies and procedures refer to students, this term includes all students as well as boarding students.

Reportable Conduct Key Definitions and Guiding Information

Purpose

This section of the Reportable Conduct Policies and Procedures sets out definitions and key concepts relevant to reportable conduct.

Definitions

Aware: When is the EREA Executive Director (or the Principal or the EREA Director of Safeguarding, on their behalf) “Aware” of a Reportable Allegation?

The EREA Executive Director, the Principal or the EREA Director of Safeguarding may become “aware” of a reportable allegation by:

- themselves witnessing a child safety incident or concern that involves an employee
- being told about it by any person, including a student, a staff member or a parent/carer.

For more information about how a person may become aware of a child safety incident or concern involving an employee, refer to [Managing Your Initial Response to a Child Safety Incident or Concern Policy and Procedures](#) and [Child Safeguarding Complaints Management Policy and Procedures](#).

Child

Child is defined in the CWS Act as a person under the age of 18.

The child does not have to be a student at the College.

Employee

Section 3 of the CWS Act defines employee as a person aged 18 years or over who is:

- employed by the College, whether or not that person is employed in connection with any work or activities of the College that relate to children;
- engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children; or
- a minister of religion, a religious leader, or an employee or officer of a religious body.

Of relevance to the College, the following people are considered to be employees (provided that they are aged 18 or over):

- EREA Board members and EREA officers and employees
- College EREA Victorian Schools Board members
- the Principal
- all staff members
- all Volunteers, including EREA Victorian Schools Board members
- all Contractors, including all External Education Providers
- ministers of religion

Reasonable belief

Guidance from the CCYP states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

Reportable allegation

Section 3 of the CWS Act defines a reportable allegation to mean any information that leads a person to form a reasonable belief that an employee has committed:

- reportable conduct; or
- misconduct that may involve reportable conduct.

It does not matter whether the conduct/misconduct is alleged to have occurred in the course of the person's employment or engagement at the College or not.

Reportable conduct

Reportable conduct is defined in section 3 of the CWS Act to mean:

- a sexual offence or sexual misconduct committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

What is Not Reportable Conduct?

The CCYP makes clear in its information and guidelines that reportable conduct does not include:

- a person taking reasonable steps to protect a child from immediate harm
- a person with responsibility for discipline taking lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time
- an appropriately qualified person, giving medical treatment in good faith such as a first aid officer administering first aid.

Some examples of conduct that would not amount to reportable conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Sexual offence

A sexual offence for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic) committed with or in the presence of a child. These include but are not limited to:

- rape
- attempted rape
- sexual assault
- incest
- indecent act with a child
- persistent sexual abuse of a child
- grooming a child or a person with care, supervision or authority of the child
- the production or possession of child pornography.

An employee does not need to be charged with or convicted of a sexual offence for their behaviour to be reportable conduct.

For more information, refer to Offences Under the Crimes Act 1958 (Vic) and Sexual Abuse and Sexual Offences.

Sexual misconduct

Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. The CCYP defines sexual misconduct as conduct that:

- amounts to misconduct;
- is of a sexual nature; and
- occurred against, with or in the presence of, a child.

“Misconduct” is defined by the CCYP as conduct that is a departure from the accepted standards of the role and is intentional or seriously negligent.

Section 3 of the CWS Act says that sexual misconduct includes:

- behaviour, physical contact or speech or other communication of a sexual nature
- inappropriate touching
- grooming behaviour
- voyeurism.

For more information, refer to the [CCYP’s Information Sheet 9: Sexual Misconduct Under the Reportable Conduct Scheme](#).

Physical violence

Physical violence can fall into two categories:

Actual physical violence – an employee intentionally or recklessly uses physical force against, with or in the presence of a child that has the ability to cause physical injury or harm to the child. It does not matter whether injury or harm was actually caused to the child. Examples of actual physical violence can include:

- hitting/kicking/punching
- pushing/shoving/grabbing/throwing/shaking
- using an object to hit or strike

- using inappropriate restraint/excessive force.

Physical violence does not include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

Apprehended physical violence – an employee intentionally or recklessly engages in conduct or behaviour against, with or in the presence of a child (such as words, gestures or actions) that causes the child to think that physical force is about to be used against them or another person. It does not matter whether or not the employee actually intended to carry out the physical violence.

For more information, refer to the [CCYP's Information Sheet 10: Physical Violence](#).

Behaviour that causes significant emotional or psychological harm

To be reportable conduct under this category,

- the allegation must concern the employee's behaviour
- there must be a clear link between the alleged behaviour and the harm suffered by the child; and
- the harm must be "significant".

"Significant" emotional or psychological harm is defined in section 3 of the CWS Act to mean that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

When determining whether an employee's behaviour has caused significant emotional or psychological harm to a child, consider the following questions:

- what were the employee's behaviours?
- was the child significantly emotional or psychologically harmed and did the behaviour cause the harm?
- is the behaviour subject to an exception?

What were the employee's behaviours?

A broad range of behaviours can cause significant harm, including acts/gestures/communication, one-off or a series of behaviours, and behaviours that are linked to or independent of other reportable

conduct.

Examples of behaviour that can cause significant emotional or psychological harm may include:

- exposure to violence or threats of violence
- verbal abuse
- coercive or manipulative behaviour
- persistent hostility/rejection
- humiliation/belittling
- scapegoating.

Regardless of the type of behaviour, it must be either intentional or reckless on the part of the employee.

Was the child significantly emotionally or psychologically harmed and did the behaviour cause the harm?

Signs that a child may have been significantly emotionally or psychologically harmed may include:

- suicidal action, suicidal ideation or self-harm
- self-destructive, antisocial or anxious behaviour
- ongoing sleep disturbance, nightmares or bedwetting
- intense visible distress, withdrawal, fear, anxiety, anger, or despair, particularly over an extended period
- other dramatic changes that are out-of-character for the child (e.g. a usually shy child becoming defiant or a usually outgoing child becoming withdrawn)
- the child is assessed as having experienced a significant delay in their emotional or intellectual development or that their functioning has been impaired

There must be a clear link between the behaviour and the harm. The behaviour need not be the sole cause of the harm, but it must be the main cause.

For example, behaviour that exacerbates or aggravates a child's existing mental health disorder may be behaviour that causes significant emotional or psychological harm.

Is the behaviour subject to an exception?

Behaviour that causes significant emotional or psychological harm does not include:

- an employee with responsibility for discipline taking lawful and reasonable disciplinary action, such as sending a child to sit in a 'time out' in line with disciplinary policy
- an employee taking reasonable steps to protect a child from immediate harm
- an employee who is appropriately qualified giving medical treatment in good faith, such as a first aid officer administering first aid.

For more information, refer to the CCYP's [Information sheet 18: Behaviour that causes significant emotional and psychological harm](#).

Significant neglect

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs, but failed to do so.

"Significant" neglect is defined in section 3 of the CWS Act to mean that the neglect itself (not the harm) is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect. The CCYP defines "significant" as a "deliberate or reckless failure or failures that separately or together have or have had, or could have, considerable detrimental force or effect on the safety or wellbeing of the child who is the victim of the neglect".

The CCYP has identified four different types of significant neglect that may be reportable conduct:

- Supervisory neglect – a failure to exercise adequate supervision or control of a child (such as leaving a child alone or unsupervised for an extended period of time or exposing the child to inappropriate material or environments)
- Physical neglect – a failure to meet a child's physical needs (such as inadequate food, clothing, shelter or hygiene)
- Educational neglect – a failure to ensure that a child's formal educational needs are met (such as failing to register a child in school or condoning truancy)
- Emotional neglect – a failure to provide adequate nurturing, affection, encouragement and support (such as rejecting, shaming or isolating a child, or permitting or encouraging the child to engage in criminal behaviour).

For more information, refer to the CCYP's [Information Sheet 11: Significant neglect](#).

Reportable Conduct for Staff: Making a Reportable Conduct Report Internally Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

This Policy and its Procedures set out the College's policies, expectations, systems and procedures for enabling persons to report reportable conduct both internally to the College and to the Commission for Children and Young People (CCYP).

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to:

- all Staff and Boarding School Staff
- Direct Contact Contractors
- All Volunteers (including EREA Victorian Schools Board members)

(together referred to as “Staff” or “staff members” for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the additional key definitions set out in [Reportable Conduct Key Definitions](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to receive internal reports of reportable conduct.
- If the reportable conduct involves the Principal, the EREA Director has authorised the EREA Director of Safeguarding to receive the internal report.

St Patrick's College's Policy

1. To enable the College to meet its obligations under the CWS Act, it is the College's policy that, as soon as any staff member forms a reasonable belief that an employee at the College has engaged in reportable conduct or misconduct that may involve reportable conduct (a reportable allegation), the staff member **must** report this internally to:

- The Principal; or
- the EREA Director of Safeguarding if the matter involves the Principal).

2. Staff members **may**, if they wish, also make a report directly to the CCYP.
3. In some cases, an investigation by the College may be needed to determine whether the alleged conduct is reportable conduct or not, for example, if it is reasonable or accidental. Staff members **must** report **any and all** use of physical force by an employee against a student internally under this Policy, to enable such an investigation.
4. Staff members **must**:
 - cooperate in any internal investigation
 - maintain confidentiality (refer to the Confidentiality and Privacy Policy and Procedures)
 - ensure that records of all verbal and written communications are maintained and stored securely (refer to the [Child Safeguarding Record Keeping Policy and Procedures](#)).
5. Staff members **must** report any reportable allegation that involves possible criminal conduct by a staff member to the Victoria Police. Criminal conduct could include physical violence, significant emotional or psychological abuse, sexual offences or significant neglect. A Police investigation will take priority over any investigation conducted by the College under this Policy. For more information, refer to [Responding to an Emergency](#) and [Reporting to Police Policies and Procedures](#).
6. Fulfilling the roles and responsibilities in this Policy and its Procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Procedures

How to Report Internally

Staff can make their internal report verbally or in written form.

Where a staff member makes a verbal report, they should follow up with a written report within 48 hours of the verbal report.

Wherever possible, written internal reports about reportable conduct should be made using [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#).

While this Template was created for reporting incidents of or concerns about abuse and other harm, rather than reportable conduct specifically, it is an excellent way to record as much information about the reportable allegation or reportable conviction as is available.

Where the reportable allegation involves the Principal, the staff member must report internally to the EREA Director of Safeguarding by contacting the [National Office](#) on +61 3 9426 3200.

Reports can be made directly to the CCYP using an online form available from the CCYP's [website](#), by phone on 1300 78 29 78 or by letter.

What is Reportable Conduct?

Reportable conduct is defined in section 3 of the CWS Act to mean:

- a sexual offence or sexual misconduct committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

The conduct does not have to have occurred at or in the course of the employee's work at or for the College.

The child does not have to be a student at the College.

For more information, refer to [Reportable Conduct Key Definitions](#).

What is Not Reportable Conduct?

The CCYP makes clear in its information and guidelines that reportable conduct does not include:

- a person taking reasonable steps to protect a child from immediate harm
- a person with responsibility for discipline taking lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time (refer to our Student Discipline Policy)
- an appropriately qualified person, giving medical treatment in good faith such as a first aid officer administering first aid.

Some examples of conduct that would not be reportable conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Reportable Conduct and our Child Safeguarding Codes of Conduct

Our Child Safeguarding Codes of Conduct outline expected standards of behaviour for all Staff at the College. However, breaches of the Child Safeguarding Codes of Conduct will not always be reportable conduct. For example, a Volunteer accepting a social media 'friend' request from a student would be a

breach of our Child Safeguarding Codes of Conduct but may not amount to reportable conduct. These kinds of breaches of our Child Safeguarding Codes of Conduct can be dealt with at the College level and don't need to be reported to the CCYP by the College.

However, all breaches of the Child Safeguarding Codes of Conduct are considered a child safety incident and must be reported internally under the [Child Safeguarding Codes of Conduct Policies and Procedures](#).

What to Do if Unsure Whether Employee Behaviour is Reportable Conduct

Staff members who are unsure whether employee behaviour is reportable conduct, or whether an investigation may be necessary to determine whether it is reportable conduct, should discuss this with a College Child Safeguarding Officer, who can assist in clarifying concerns and reporting obligations under this Policy.

Contact details for our Child Safeguarding Officers can be found [here](#).

Reportable Conduct and Other Reporting Obligations

In some cases, conduct that is reportable conduct which must be reported internally and/or to the CCYP under this Policy would also be conduct that meets the threshold for reporting to the Department of Families, Fairness and Housing (Child Protection) and/or to Police in accordance with:

- [Mandatory Reporting to Child Protection](#) under the Children, Youth and Families Act 2005 (Vic)
- [Reporting to Police](#) under the Crimes Act 1958 (Vic)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#) under the Education and Training Reform Act 2006 (Vic).

The reportable conduct reporting obligations covered in this Policy are separate and distinct from these other external reporting obligations.

The threshold for reporting allegations of reportable conduct is much lower than the thresholds for Mandatory Reporting to Child Protection and Reporting to Police. Therefore, any child safety incident or concern involving conduct by an employee that requires Mandatory Reporting to Child Protection or Reporting to Police must also be reported internally and to the CCYP by the College under this Policy.

A failure to make a report in accordance with this Policy may also amount to an offence under the Crimes Act 1958 (Vic). For more information, refer to [Duty to Protect/Failure to Protect Policy and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#) and Child Safeguarding Complaints Management Policy and Procedures, which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Reportable Conduct Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Reportable Conduct Policies and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Part 5A of the CWS Act together with the Child Wellbeing and Safety Regulations 2017 (Vic) (CWS Regulations) set out the Reportable Conduct Scheme in Victoria.

Under Schedule 3 of the CWS Act, the College is an entity to which the Reportable Conduct Scheme applies.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Child Safeguarding Complaints Management Policy and Procedures

Insert Related Forms/Documents

References and Resources

- Commission for Children and Young People, [Reportable Conduct Scheme, 2018](#)
- Commission for Children and Young People, [Guidance for Organisations: Investigating a Reportable Conduct Allegation](#)
- Commission for Children and Young People, [Reportable Conduct Scheme Information Sheets](#)

The CCYP's [website](#) provides additional guidance and materials which can assist the College and its staff members to understand and meet their obligations under the CWS Act.

Policy Administration

Insert Policy Control/Administration Information

Reportable Conduct for the Principal and Child Safeguarding Officers Policies and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

This Policy and its Procedures set out, in the following subsections, the policies and procedures that the College will follow when it becomes aware of a reportable allegation involving a staff member, Volunteer or Contractor (together referred to as "employees" for the purposes of this Policy and its Procedures).

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

The subsections below apply to the Principal, the EREA Director of Safeguarding and to any other person who has been authorised by the EREA Executive Director to undertake functions to assist in meeting their notification and investigation obligations under the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act), as set out in the relevant subsections of this Policy.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the additional key definitions set out in [Reportable Conduct Key Definitions](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures.

The EREA Executive Director has authorised the Principal and, if a matter involves the Principal, the EREA Director of Safeguarding, to undertake particular functions with respect to notifying the CCYP and managing investigations of reportable allegations as set out in [Head of Entity's Responsibilities](#) and the other subsections of the Reportable Conduct Policies and Procedures.

References in this Policy and its Procedures to the Principal are taken to include the EREA Executive Director and the EREA Director of Safeguarding, as well as any other person authorised by the EREA Executive Director, when they are undertaking the EREA Executive Director's functions under the CWS Act.

St Patrick's College's Policy and Procedures

The policies and procedures that apply to the College's management of reportable allegations are set out in the following subsections:

- [Head of the College's Responsibilities](#)
- [Notifying the CCYP Policy and Procedures](#)
- [Initial Response to Reportable Allegation Policy and Procedures](#)

- [Risk Management and Risk Assessments \(Reportable Conduct\) Policy and Procedures](#)
- [Investigating Reportable Allegations Policy and Procedures](#)
- [Making a Finding About Reportable Conduct Procedures and Guiding Information](#)
- [Post-Investigation Actions Policy and Procedures](#)
- [Information Sharing About Reportable Conduct Investigations: Guiding Information](#)
- [Record Keeping About Reportable Conduct Policy and Procedures](#)

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. The policies and procedures in its subsections are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing Child Safeguarding Complaints Management Policy and Procedures and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Reportable Conduct Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Reportable Conduct Policies and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Part 5A of the CWS Act together with the Child Wellbeing and Safety Regulations 2017 (Vic) (CWS Regulations) sets out the Reportable Conduct Scheme in Victoria.

Under Schedule 3 of the CWS Act, the College is an entity to which the Reportable Conduct Scheme applies.

Where applicable, references to relevant sections of the CWS Act are included in the Purpose sections of each subsection of this Policy and its Procedures.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse – A Template for Victorian Schools](#)
- Child Safeguarding Complaints Management Policy and Procedures

Insert Related Forms/Documents

References and Resources

- Commission for Children and Young People, [Reportable Conduct Scheme, 2018](#)
- Commission for Children and Young People, [Guidance for Organisations: Investigating a Reportable Conduct Allegation](#)
- Commission for Children and Young People, [Reportable Conduct Scheme Information Sheets](#)

The CCYP's [website](#) provides additional guidance and materials which can assist the College and its staff members to understand and meet their obligations under the CWS Act.

Policy Administration

Insert Policy Control/Administration Information

Head of the College's Responsibilities

Purpose

The "head" of an entity to which the Reportable Conduct Scheme applies has distinct responsibilities under the CWS Act, set out in Roles and Responsibilities below.

However, the CCYP does not expect the "head" of an entity to practically carry out their responsibilities alone. They may seek help from other people within their entity. This may include creating and developing systems, sending approved notifications to the CCYP, or conducting investigations on behalf of the "head" of the entity.

This subsection of the Reportable Conduct Policies and Procedures sets out the "head" of the College's responsibilities under the Reportable Conduct Scheme.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures.

Who is the "Head" of the College?

The "head" of the College for the purposes of the Reportable Conduct Scheme is the EREA Executive Director.

What are the "Head" of the College's Responsibilities Under the CWS Act?

As the “head” of the College, the EREA Executive Director is responsible for ensuring that the College complies with the Reportable Conduct Scheme obligations under the CWS Act.

They cannot *delegate* these responsibilities under the CWS Act – they are still solely responsible for ensuring the College’s compliance with the Reportable Conduct Scheme. However, they can seek the assistance of others to fulfill their responsibilities.

The EREA Executive Director has the following legal obligations under the CWS Act:

- They must set up systems within their organisation to (section 16K of the CWS Act):
 - prevent the commission of reportable conduct by employees during their employment
 - enable any person, including employees, to notify the “head” of reportable allegations involving employees
 - enable any person, including employees, to notify the CCYP of reportable allegations involving the “head”
- investigate and respond to reportable allegations against employees.
- While any person may disclose a reportable allegation to the CCYP, they must notify the CCYP, within three business days, when they become aware of a reportable allegation against an employee (section 16M of the CWS Act).
- They must provide an update to the CCYP of certain detailed information about the reportable allegation and the College’s proposed response within 30 days of the initial notification (section 16M of the CWS Act).
- After they become aware of a reportable allegation against an employee, they must either investigate, or permit a regulator or an independent investigator to investigate, the reportable allegation (note, however, that if the matter was reported to the Police under [Reporting to Police Policies and Procedures](#), they must obtain clearance from Police before commencing or continuing the investigation. Similarly, if the matter was reported to Child Protection under [Mandatory Reporting to Child Protection Policy and Procedures](#) or [Non-Mandatory Reporting to Child Protection Policy and Procedures](#), they should obtain clearance from Child Protection before conducting fact-finding or other actions as part of the investigation) (section 16N of the CWS Act).
- They must notify the CCYP of the name and contact details of the person who will investigate the reportable allegation (section 16N of the CWS Act).
- After the investigation has concluded, they must notify the CCYP of the findings of the College’s internal investigation into the matter, the actions proposed to be taken and the reasons why (and if no action is to be taken, the reasons why not) (section 16N of the CWS Act).

A failure to notify the CCYP or to investigate a reportable allegation in accordance with this Policy may also amount to a criminal offence under [Duty to Protect/Failure to Protect Policy and Procedures](#).

For more information, refer to [Notifying the CCYP Policy and Procedures](#).

St Patrick's College's Policy

Fulfilling the "Head" of the College's Responsibilities Under the CWS Act

The EREA Executive Director has authorised the Principal and EREA Director of Safeguarding to undertake certain functions to assist in meeting their obligations under the CWS Act, as set out in the relevant subsections of the Reportable Conduct Policies and Procedures.

This includes in particular:

Insert Reportable Conduct Delegations

The EREA Executive Director may also authorise the Principal, the EREA Director of Safeguarding or any other person, in writing, to carry out other physical or practical tasks in particular matters.

Notifying the CCYP Policy and Procedures

Purpose

When the "head" of the College becomes aware of a reportable allegation against an employee, they must notify the CCYP at several different stages of the matter.

This subsection of the Reportable Conduct Policies and Procedures sets out the College's policies and procedures for notifying the CCYP of a reportable allegation.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to undertake the EREA Executive Director's functions of notifying the CCYP of reportable allegations.

- Where the reportable allegation involves the Principal, the EREA Executive Director has authorised the EREA Director of Safeguarding to undertake the EREA Executive Director's functions of notifying the CCYP of the reportable allegation.

References in this Policy and its Procedures to the Principal therefore include these other people when they are undertaking the "head" of the College's notification functions under the CWS Act.

St Patrick's College's Policy

1. The Principal **must** notify the CCYP in writing of:

- the reportable allegation as soon as possible, and in any event within **three business days** of becoming aware of the reportable allegation (**Three Day Notification**)
- additional information (in effect, an update with respect to the College's response to the reportable allegation and the proposed course of action) as soon as practicable and in any event **within 30 days** of becoming aware of the reportable allegation (**30 Day Update**)
- the identity of the person who will investigate the reportable allegation **as soon as practicable** (**Investigator Update**)
- the outcome of the College's internal investigation into the matter **as soon as practicable after the internal investigation has concluded** (**Investigation Outcome Update**).

2. The Principal **must** also report any reportable allegation that involves possible criminal conduct by an employee to the Police. Criminal conduct could include physical violence, significant emotional or psychological abuse, sexual offences or significant neglect. A Police investigation will take priority over any investigation conducted by the College under this section of the Child Safeguarding Program. For more information, refer to [Responding to an Emergency](#) and [Reporting to Police Policies and Procedures](#).

Procedures

[How to Notify the CCYP](#)

All notifications to the CCYP must be made using the online forms available through the CCYP's [website](#).

For an outline of the information that must be provided for each form, refer to the CCYP's [Reportable Conduct Scheme Form Requirements](#).

[Three Day Notification](#)

The Principal must make this notification to the CCYP as soon as possible but not more than three business days after the Principal becomes aware of the reportable allegation. The notification must include the following information:

- that a reportable allegation has been made against an employee
- the name (including any former name and alias, if known) and date of birth, if known, of the employee
- whether the Victoria Police has been contacted about the reportable allegation
- the name, address and telephone number of the College
- the name of the EREA Executive Director

If the employee is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of an offence that is relevant to the WWC (working with children) Scheme, the College must also immediately notify the Victorian Institute of Teaching (VIT) under our [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#). The timing of making a Three Day Notification to the CCYP under this Policy will coincide with the timing of a report made to the VIT.

30 Day Update

The Principal must make this notification to the CCYP as soon as practicable but not more than 30 calendar days after the Principal becomes aware of a reportable allegation. The notification must include the following information:

- detailed information about the reportable allegation
- details of the College's response, to date, to the reportable allegation
- whether or not the College proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take, or not to take, that action
- copies of any written submissions made by the employee about the reportable allegation that the employee wished to have considered when the Principal is determining what, if any, disciplinary or other action should be taken.

Investigator Update

As soon as practicable after the Principal becomes aware of a reportable allegation, they must investigate, or permit a regulator or an independent investigator to investigate the reportable allegation. They must also notify the CCYP of the name and contact details of the Investigator.

The Investigator is the person who:

- collects and documents evidence
- establishes the facts based on evidence
- prepares an Investigation Report that details the outcomes of the investigation and (if requested by the Principal) makes findings or makes recommendations about findings that could be made based on the evidence.

Investigation Outcome Update

As soon as practicable after the investigation has concluded, the Principal must give the CCYP:

- a copy of the findings of the investigation and the reasons for those findings
- details of any disciplinary or other action that the College proposes to take in relation to the employee and the reasons for that action
- if the College does not propose to take any disciplinary or other action in relation to the employee, the reasons why no action is to be taken.

Failure to Notify the CCYP

It is an offence for the “head” of the College to fail to notify and update the CCYP about a reportable allegation without a reasonable excuse. The CWS Act doesn’t define what a reasonable excuse may be, but section 16M(5) provides an exemption if they “honestly and reasonably believed that another person had notified the CCYP”.

Initial Response to Reportable Allegation Policy and Procedures

Purpose

Section 167K of the CSW Act requires the “head” of the College to ensure that the College has a system in place to investigate and respond to a reportable allegation against an employee.

When the “head” of the College becomes aware of a reportable allegation, they also have a number of obligations under other policies and procedures to take immediate and/or interim action and to provide interim support to relevant parties, pending the commencement or conclusion of an investigation.

This subsection of the Reportable Conduct Policies and Procedures sets out the policies and procedures that must be followed, in the short term, when a reportable allegation has been made against an employee.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to manage the College's initial response to reportable allegations.
- Where the reportable allegation involves the Principal, the EREA Executive Director has authorised the EREA Director of Safeguarding to manage the College's initial response to the reportable allegation.

References in this Policy and its Procedures to the Principal therefore include these other people when they are managing the College's initial response to a reportable allegation.

St Patrick's College's Policy

1. When the Principal becomes aware of a reportable allegation, they **must** take any necessary interim action that is required to ensure the safety and wellbeing of the child/ren involved in the allegation and other children in the College. This includes considering whether:
 - the child/ren involved in the allegation require protective intervention
 - any steps need to be taken to prevent further reportable conduct
 - the child/ren's daily circumstances can remain unchanged (such as whether the child is at risk of victimisation)
 - support and counselling should be provided to the child/ren involved in the allegation
 - support and counselling should be provided to the relevant employee.
2. If reports have been made to Child Protection or the Police in relation to the reportable allegation, the Principal **must** consult with them before taking any interim action, to ensure that any interim action taken does not interfere with an external investigation.
3. If the Principal becomes aware of the reportable allegation due to an internal report by a EREA Victorian Schools Board member, they must advise the EREA Victorian Schools Board member, in writing, of the actions that the College has taken or will take in response to their report within three business days after receiving the report.

Procedures

Procedures for Managing the College's Initial Response

When the Principal becomes aware of a reportable allegation, they should:

- clarify the allegation, including the identity of the person making the allegation and the relevant employee, and the acts and/or omissions which form the basis of the allegation
- conduct an initial risk assessment to identify and avoid or minimise immediate risks (refer to [Risk Management and Risk Assessments \(Reportable Conduct\) Policy and Procedures](#))
- consider whether a child is “in need of protection”, and if so, follow the [Mandatory Reporting to Child Protection Policy and Procedures](#) or [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- consider whether the allegation may involve a criminal offence and if so, follow [Reporting to Police Policies and Procedures](#) before taking any further action
- notify the EREA Executive Director
- assess whether or not the allegation relates to reportable conduct and if so, notify the CCYP within three business days (refer to [Notifying the CCYP Policy and Procedures](#))
- assess any possible risks posed by the relevant employee to other children in the College’s care and take any necessary interim action to ensure their safety and wellbeing (refer to [Risk Management and Risk Assessments \(Reportable Conduct\) Policy and Procedures](#) and [Duty to Protect/Failure to Protect Policy and Procedures](#))
- consider other requirements for communicating details of the allegation within or outside the College (refer to Information Sharing Policies and Procedures)
- address any interim support needs of both the child and the employee who is the subject of the allegation.

Risk Management and Risk Assessments (Reportable Conduct) Policy and Procedures

Purpose

When responding to a reportable allegation, the “head” of the College should assess the risk that the employee poses to students at three separate stages:

- immediately after becoming aware of a reportable allegation
- during the investigation
- at the end of the investigation.

This subsection of the Reportable Conduct Policies and Procedures sets out the policies and procedures that must be followed to assess and manage risks when a reportable allegation has been made against an employee.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to manage the College's response to reportable allegations, including by undertaking any required risk assessments.
- Where the reportable allegation involves the Principal, the EREA Executive Director has authorised the EREA Director of Safeguarding to manage the College's response to the reportable allegation, including by undertaking any required risk assessments.

References in this Policy and its Procedures to the Principal therefore include these other people when they are managing the College's response to a reportable allegation.

St Patrick's College's Policy

The Principal **must**:

- take a risk management approach to reportable allegations
- conduct a risk assessment at each of Stage One, Stage Two and Stage Three as part of the College's internal investigation into a reportable allegation.

Procedures

Stage One: After Becoming Aware of a Reportable Allegation

Immediately after becoming aware of a reportable allegation, the Principal will conduct a risk assessment that considers:

- the nature and seriousness of the allegation
- the vulnerability of the children who the employee would be in contact with while at the College – considering their age, communication skills, etc.
- the nature of the position occupied by the employee including the level of contact and interaction they have with children
- the level of supervision available for the employee
- the availability of support for the employee on a day-to-day basis if their duties are unchanged
- the employee's disciplinary history
- other possible risks to the investigation.

These factors will assist the Principal to make an initial decision about whether the employee should remain in their current position, be moved to another area or be suspended from work during the

investigation. If the employee remains at the College, the Principal will make a decision about the duties that they will undertake and about conducting ongoing risk assessments.

When taking action to address any identified risks, the Principal must take into consideration the needs of the child and the employee against whom the allegation is made.

The decision that the Principal makes after the first risk assessment should not influence the final findings of the investigation.

Stage Two: Ongoing Risk Management During the Investigation

When gathering information about an allegation, it is important to manage any new risks that emerge. New information that comes to light during an investigation will influence ongoing decisions about whether to move the employee into indirect contact work, or suspend them from work during the investigation.

Stage Three: At the End of the Investigation

For more information, refer to [Making a Finding of Reportable Conduct Policy and Procedures](#) and [Post-Investigation Actions Policy and Procedures](#).

Investigating Reportable Allegations Policy and Procedures

Purpose

Section 16N(1) of the CWS Act requires that, as soon as practicable after becoming aware of a reportable allegation against an employee, the “head” of the College must investigate the reportable allegation or permit a regulator or an independent investigator to investigate it.

We refer to this as an “internal investigation”.

This subsection of the Reportable Conduct Policies and Procedures sets out the policies and procedures that must be followed when the College is conducting an internal investigation.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to manage the College's investigation of reportable allegations.
- Where the reportable allegation involves the Principal, the EREA Executive Director has authorised the EREA Director of Safeguarding to manage the College's investigation of the reportable allegation.

References in this Policy and its Procedures to the Principal therefore include these other people when they are managing the College's internal investigation of a reportable allegation.

St Patrick's College's Policy

1. Internal investigations of reportable allegations must be conducted in accordance with the rules of procedural fairness and natural justice.

For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond.

2. Internal investigations of reportable allegations must follow the CCYP's Guidance for Organisations: Investigating a Reportable Conduct Allegation, which sets out the minimum standards that must be followed when planning and conducting internal investigations under the CWS Act and which is summarised in the **Procedures**, below.

3. Section 16U of the CWS Act says that if a report has been made to Police and the Police are investigating the matter, the Police investigation takes priority over an internal investigation by the College. To meet this obligation:

- the Principal **must** consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation and, if they are, must not commence any investigation until the Police advise that the investigation can start.
- if an Investigator becomes aware, during an investigation, that the Police are investigating the same matter, they **must** put the College's internal investigation **must** on hold until the Police investigation is complete or until the Police agree that the College's investigation can proceed.

Investigations by other external agencies, such as Child Protection (if the matter was reported pursuant to Mandatory Reporting to Child Protection Policy and Procedures or Non-Mandatory Reporting to Child Protection Policy and Procedures) do not, under the CWS Act, have the same effect on the College's internal investigation. However, if the matter has been reported to Child Protection, it is the College policy that the Principal **must** still consult and coordinate with Child Protection when

planning and conducting the internal investigation. This is particularly the case if the investigation will involve interviewing the employee or the child.

Procedures

Who Conducts the Internal Investigation?

The College's internal investigation can be conducted by the Principal, the EREA Director of Safeguarding, the EREA Executive Director or another EREA employee who is authorised by the EREA Executive Director.

Alternatively, the Principal can engage an independent investigator. Another possibility is that the investigation may be undertaken by a regulator (for example the VIT) or the regulator can engage an independent investigator.

We refer to anyone who conducts the internal investigation as the Investigator.

Internal investigations have the potential to create conflicts of interest, particularly where the Investigator is a staff member. Conflicts may arise between an Investigator's official duties and their private interests, which could influence the performance of the official duties. Investigators should be independent, objective and impartial and be seen as such. The College manages actual or reasonably perceived conflicts of interest through our Insert Conflicts of Interest Policy Name.

Investigation by the CCYP

The CCYP may decide to itself conduct an investigation into the reportable allegation. It can do this of its own motion, or at the request of a regulator or of the College.

The CCYP might investigate if:

- it believes on reasonable grounds that an employee of the College may have committed reportable conduct and that it is in the public interest for the CCYP to investigate the reportable allegation
- the regulator or the College advises the CCYP that it will not or is unable to investigate the reportable allegation or to engage an independent investigator.

The CCYP can also, of its own motion or in response to a complaint, conduct an investigation into whether the College or a regulator has inappropriately handled or responded to a reportable allegation, if the CCYP considers that it is in the public interest to do so.

The CCYP has broad powers under the CWS Act when investigating a reportable allegation or the College's handling of a response to a reportable allegation. The CCYP may visit the College, inspect documents and interview any employee (including the employee who is the subject of the reportable allegation) or a child who was involved in or witness to the reportable allegation. The College must assist the CCYP in all reasonable aspects of its investigation.

Note that if the CCYP undertakes an investigation of a reportable allegation under this section, the employee can apply to the CCYP for an internal review, or to the Victorian Civil and Administrative Tribunal (VCAT) for an external review, of a finding made at the conclusion of the investigation.

Establishing the Investigation

Regardless of whether the Investigator is the Principal or another person, it is important to establish a focus and a clear purpose of the investigation.

If the Investigator is the Principal, they can do this as part of planning the investigation, described further below.

If the Investigator is not the Principal, the Principal can establish this through terms of reference that set out the proposed scope of the investigation. The terms of reference should:

- set out whether or not the Investigator should make findings about the reportable allegations (i.e. whether the Investigator is also the decision-maker: refer to [Making a Finding About Reportable Conduct Procedures](#))
- be broad enough to enable the Investigator to consider and make recommendations about the College's policies for preventing or responding to reportable conduct
- set out the Investigator's powers, such as whether the Investigator can take photographs, interview staff members, obtain information from staff members about policies and practices, access relevant records and collect physical and documentary evidence.

Planning and Coordinating the Investigation: Key Considerations

Once the Investigator has permission to proceed with an investigation into a reportable allegation, they should:

- plan investigative actions and document any decisions that are made about how the investigation will proceed and about other interim measures before the commencement of the investigation
- maintain effective records of the planning process

- consider any actual or potential conflicts of interests by the Investigator and other stakeholders
- review the initial risk assessment and if required take further action to address concerns
- identify and address any cultural issues and special needs of relevant parties
- identify people or agencies to consult for advice about the investigation process if required
- consider whether aspects of the investigation have been or can be conducted by another agency, such as Child Protection or the Police.

To ensure that the investigation is properly conducted, the Investigator should prepare an Investigation Plan. The Investigation Plan should identify:

- what questions need to be answered
- what evidence is needed to answer those questions
- the best way to obtain that evidence.

When conducting the investigation, the Investigator and/or the Principal should ensure that:

- systems are in place to uphold confidentiality and deal with any breaches of confidentiality
- everyone involved in the investigation is reminded of the importance of confidentiality
- the affected child and/or their parents/carers are advised of the steps involved in the investigation and of its progress. If appropriate, the child and/or their parents/carers may be asked for permission to interview the child (refer to [Information Sharing About Reportable Conduct Investigations Procedures](#))
- all interviews are adequately recorded as verbatim as possible, and records are verified as a true record by being signed and dated by all involved
- any other allegations that emerge during the investigation process are documented together with details of any action taken by the College
- all decisions, advice and discussions made in relation to the investigation are documented
- all relevant parties are advised of the outcome of the investigation.

Gathering Evidence

The first step in an investigation is often to gather all relevant evidence. This can be obtained from a range of sources:

- direct evidence can be obtained by speaking with those involved in the alleged incident (e.g. the child, witnesses or the employee)
- physical evidence can be obtained by collecting documents (e.g. rosters, emails), and securing and inspecting objects (e.g. mobile phones, computers)

- site inspections, to check the relevant positions of parties and witnesses to the alleged incident (e.g. playgrounds, classrooms). This process may include taking photographs and making drawings or diagrams of the location.
- expert evidence can be obtained from people who have specialised knowledge in a specific field that the general public does not have (e.g. a doctor or psychologist who may have examined the child, or computer expert)
- where the Police or Child Protection have been involved, requests for information from, and the provision of information to, these agencies may be possible under section 16ZC or under Part 6A of the CWS Act. For more information, refer to Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy and Procedures.

All information and evidence collected in relation to the investigation must be kept in a safe and secure location. For more information, refer to [Record Keeping About Reportable Conduct Policy and Procedures](#).

Records relating to a reportable conduct investigation are maintained in accordance with our [General Records Management Policy](#).

Employee Response

Procedural fairness does not require that an employee who is subject of the allegation must be notified that a reportable allegation has been made about them straight away. In particular:

- the employee does not need to be told about a reportable allegation if the reportable allegation is plainly false (for example, initial inquiries reveal that the employee was on holidays at the time that the alleged incident occurred)
- the employee does not need to be told about a reportable allegation at the same time that the CCYP is first notified
- careful consideration must be given to when the employee should be told about an allegation in order to ensure that the investigation is not compromised but remains procedurally fair
- if Child Protection and/or the Police are investigating the matter and wish to interview the employee, the Investigator must consult with the relevant agency about what should be disclosed to the employee during the internal investigation.

Procedural fairness usually includes ensuring that, before any findings are made or any disciplinary action is subsequently considered, the employee:

- is provided with a letter of allegation prior to any interview being undertaken

- is put on notice of the nature and scope of the allegations
- is provided with an opportunity to have a support person (or, if entitled through an award, enterprise agreement, individual employment contract or workplace policy, a lawyer or union representative) present with them at any interview
- is provided with an opportunity to respond to the allegations and any relevant evidence that has been obtained during the course of an investigation, whether at an interview or in writing
- is made aware of the consequences of the investigation if any adverse findings are made
- has a reasonable opportunity to respond to the relevant evidence
- has a reasonable opportunity to give their side of the story.

If the employee is to be interviewed, the interview should be recorded as verbatim as possible and all records should be verified as a true record of the interview by being signed and dated by all involved.

It may be necessary to re-interview the employee if new information or allegations come to light during the investigation.

Support During the Investigation

As part of managing the investigation, the Principal should ensure that appropriate support is provided for:

- the child/ren who were the subject of the allegation
- the employee who was the subject of the allegation
- other relevant parties, including witnesses and parents/carers.

Finalising the Investigation – The Investigation Report

Once the Investigator has concluded their investigation, they should:

- assess the evidence regarding the reportable allegations
- make any underlying findings of fact if permitted by the terms of reference (the standard of proof for making findings of fact is the 'balance of probabilities')
- identify the findings that are best supported by the available evidence, as to whether the allegations are substantiated or not in relation to each allegation
- if permitted by the terms or reference, make any such findings or propose any recommendations about these findings with respect to each allegation.

The Investigator must prepare an Investigation Report. The Investigation Report should reflect the terms of reference and should at a minimum:

- clearly and separately identify and particularise each reportable allegation
- summarise the investigation including:
 - the approach adopted by the Investigator
 - the evidence obtained
 - a summary of the evidence and the Investigator’s assessment of the evidence
 - the importance the Investigator gave to each piece of evidence and why
- state any underlying findings of fact made by the Investigator, if so permitted by the terms of reference, , and the evidence relied on in reaching those conclusions
- if permitted by the terms of reference, include recommendations about the findings that should be made by the decision-maker or set out any findings that have been made by the Investigator as to whether the allegations are substantiated or not, and the evidence relied on in making these recommendations or reaching those conclusions (refer to [Making a Finding About Reportable Conduct Procedures](#)).

If, under the terms of reference, a decision-maker other than the Investigator will be making the findings (for example, the Principal, the EREA Director of Safeguarding or the EREA Executive Director may be the decision-maker), all documentation related to the investigation must be provided to the decision-maker to enable them to make any findings.

Making a Finding About Reportable Conduct Procedures

Purpose

Section 16N(3) of the CWS Act requires that, as soon as practicable after an investigation of a reportable allegation has concluded, the “head” of the College must give the CCYP a copy of the findings of the investigation and the reasons for those findings.

This subsection of the Reportable Conduct Policies and Procedures sets out guidance and procedures for making a finding about reportable conduct.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures:

- The EREA Executive Director has authorised the Principal to manage the College’s response to reportable allegations.

- Where the reportable allegation involves the Principal, the EREA Executive Director has authorised the EREA Director of Safeguarding to manage the College's response to the reportable allegation.

References in this Policy and its Procedures to the Principal therefore include these other people when they are managing the College's response to a reportable allegation.

Who Makes Findings About Reportable Allegations?

The person responsible for making a finding about whether a reportable allegation has been substantiated or not will depend on who is the Investigator and, if the Investigator is not the Principal, on their terms of reference.

We refer to the person who makes these findings as the decision-maker.

The decision-maker would usually be either the Investigator or the Principal.

Procedures

For information about making or recommending findings about reportable allegations, refer to the CCYP's Information sheet 8: Investigation Findings, which is summarised below.

Possible Reportable Conduct Findings

There are five possible findings that the decision-maker can make following an investigation. These are:

- Substantiated: The evidence suggests it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.
- Unsubstantiated: Insufficient Evidence: there was some evidence of weight to support the allegation, but not enough for the decision-maker to make a substantiated finding
- Unsubstantiated: Lack of Evidence of Weight: there was not enough evidence to properly investigate the allegation, or the small amount of evidence available was contradictory or confusing
- Unfounded: there is strong evidence, and therefore it is more likely than not, that the reportable conduct did not happen
- Conduct outside the scheme: although the conduct occurred it does not fit any of the types of reportable conduct listed in the CWS Act. An example of this might be slapping a child's hand away from a hot stove or accidental physical contact.

What to Consider When Making a Finding

If, under the terms of reference, the Investigator is not the decision-maker, the decision-maker must consider the Investigation Report and all documents provided, and must make a finding in relation to each allegation.

If the Investigator was the decision-maker, they must include their findings in relation to each allegation in the Investigation Report.

The findings will inform the College's child safe risk assessment and any future action taken to mitigate ongoing risks.

The standard of proof for making any findings is the 'balance of probabilities'. This means that the decision-maker must be satisfied that it is more likely than not that the reportable conduct has occurred.

When deciding whether to make a finding of 'substantiated' reportable conduct, the decision-maker should consider:

- the reliability of all evidence collected
- the relevancy of all evidence collected to the alleged conduct
- whether accounts of the alleged conduct are consistent over time, and consistent with other evidence
- whether the evidence collected is plausible
- whether there is any other evidence that corroborates or contradicts the allegation.

The decision-maker must take care to base their decision on strong evidence of weight that relates specifically to each allegation and not on suspicion, rumours or hunches. The more serious the alleged wrongdoing, the more care the decision-maker should exercise in making their decision as to whether they are satisfied the alleged conduct is sustained.

Reasons for Findings

The Principal must notify the CCYP of the decision-maker's reasons for any findings. The reasons for the findings should explain:

- how the investigation was done
- the evidence that was collected and how it was assessed. This should include the evidence given by the subject of the allegation and the alleged victim where appropriate
- whether the evidence was relevant and reliable

- how the evidence supported or contradicted the allegation of reportable conduct
- how convincing the evidence was in all of the circumstances.

Post-Investigation Actions Policy and Procedures

Purpose

The College has a number of obligations under the CWS Act and under other policies and procedures to take certain actions at the conclusion of an internal investigation.

Section 16N(3) of the CWS Act requires that, as soon as practicable after an investigation of a reportable allegation has concluded, the “head” of the College must give the CCYP the details of any disciplinary action that the College proposes to take and the reasons for that action, and, of no action is proposed, the reasons why no action is proposed.

This subsection of the Reportable Conduct Policies and Procedures sets out the policies and procedures that must be followed following the conclusion of an internal investigation.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this subsection of the Reportable Conduct Policies and Procedures.

The EREA Executive Director has authorised the Principal to manage any required post-investigation actions.

Where the reportable allegation involves the Principal, the EREA Director of Safeguarding is authorised to manage any required post-investigation actions.

References in this section of the Child Safeguarding Program to the Principal therefore include these other people when they are managing the College’s response to a reportable allegation.

St Patrick's College's Policy

Once the internal investigation has concluded, the Principal **must** take the following actions:

- report any ‘substantiated’ findings to relevant regulators in addition to reporting to the CCYP (e.g. [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#) and [Working with Children Checks Policy and Procedures](#))

- where a 'substantiated' finding has been made about reportable conduct that involves Offences Under the Crimes Act 1958 (Vic), notify the Police, if they are not already involved. For more information, refer to Reporting to Police Policies and Procedures.
- review the investigation and ensure that all relevant risk issues have been considered, including environmental factors and work practices
- decide on what measures should be put in place to minimise any further risk of harm to children in the College's care, including possible disciplinary action in relation to the employee who is the subject of the allegation, amendments to policy and procedures, and any strategies to minimise future risk of reportable conduct by the relevant employee or other employees
- if the allegation was found to be unfounded and vexatious, decide on what action, if any, should be taken against the person/s who made the allegation
- prepare, and give to the CCYP, a final report for the CCYP setting out:
 - the findings of the investigation and the reasons for those findings
 - details of any disciplinary or other action that the College proposes to take in relation to the employee and the reasons for that action
 - if the College does not propose to take any disciplinary or other action in relation to the employee, the reasons why no action is to be taken.
- store all information relating to the investigation in a secure location, in accordance with our General Records Management Policy.

Overseas Students

The Principal must also notify the VRQA if the reportable conduct relates to an overseas student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Information Sharing About Reportable Conduct Investigations Procedures

Purpose

Certain information about reportable conduct investigations can, and in some cases cannot, be shared with external people and organisations.

This subsection of the Reportable Conduct Policies and Procedures provides guidance on this aspect of reportable conduct investigations, and links to other relevant policies and procedures.

Procedures

Information Sharing with Children, Parents and Carers

Under section 16ZB of the CWS Act, the “head” of the College, the CCYP or a regulator may disclose:

- information about the progress of the investigation
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation
- action taken in response to those findings

to:

- the child who is the subject of the reportable allegation
- a parent of the child
- a carer of the child (whether or not that person has legal guardianship of the child, for example a grandparent who is caring for the child)
- Child Protection, if the child is under its care, and the child’s foster carer
- a prescribed body under the CWS Act.

For more information about matters to consider when disclosing information in relation to reportable conduct, refer to [Communicating with Parents/Carers About Internal and External Reports Policy and Procedures](#).

For more information about procedures to follow when sharing information about reportable conduct, refer to [Sharing Information Relating to a Student’s Safety or Wellbeing Policies and Procedures](#).

Information Sharing with External Agencies

Under section 16ZC of the CWS Act, the “head” of the College, the CCYP, and regulators may disclose information in relation to:

- a reportable allegation
- a concern that reportable conduct has been committed
- the investigation of a reportable allegation or concern about reportable conduct
- the findings of an investigation and the reasons or recommendations made at the conclusion of the investigation
- any action taken in response to those findings

to:

- the CCYP

- a regulator
- the Chief Commissioner of Police
- if necessary for the purposes of an investigation, an independent Investigator
- if necessary for the purposes of a WWC Check, the Secretary of the Department of Justice and Community Safety
- a relevant Minister.

For more information about procedures to follow when sharing information about reportable conduct, refer to [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#).

Confidential Information Not to be Published

Under the CWS Act, it is an offence for any person (including the “head” of the College, staff members, independent Investigators, regulators, media organisations, and parents/carers) to “publish” information that would enable the identification of:

- a person who notified the CCYP
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

The CWS Act provides more information on the meaning of “publish”, which includes making the information publicly available, including in writing or by email.

However, this does not prevent the publication of information permitted by or under other laws. For more information, refer to [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#).

Record Keeping About Reportable Conduct Policy and Procedures

Purpose

Certain information about reportable allegations and internal investigations must be documented.

This subsection of the Reportable Conduct Policies and Procedures sets out the College policies and procedures for recording information about reportable allegations and internal investigations.

St Patrick's College's Policy

The following information **must** be documented in relation to each reportable allegation:

- the allegation
- the College's initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- the Investigation Plan, detailing how the investigation is to be carried out (refer to [Investigating Reportable Allegations Policy and Procedures](#))
- the Stage One risk assessment conducted by the Principal or EREA Regional Director (refer to [Risk Management and Risk Assessments \(Reportable Conduct\) Policy and Procedures](#))
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times
- any decisions made, both during and at the conclusion of the investigation, including their rationale, the position and name of the person making the decision and the date that the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and where appropriate, the reason for the contact)
- the Investigation Report (refer to [Investigating Reportable Allegations Policy and Procedures](#))
- the final report for the CCYP that sets out details of the findings in relation to each allegation and the reasons for the findings (refer to [Making a Finding About Reportable Conduct Policy and Procedures](#)), the final risk assessment which includes any final decision about the employee and the factors that have been considered and any subsequent action that is to be or has been taken (refer to [Post-Investigation Actions Policy and Procedures](#)).

Procedures

Where possible, records should be as verbatim as possible, and verified, signed and dated by all involved.

Refer to the [Child Safeguarding Record Keeping Policy and Procedures](#) for more information about our policies and procedures for maintaining reportable conduct records.

Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Registered teachers in Victoria are exempt from holding a WWC clearance. This is because, in considering applications for registration or re-registration as a teacher, the Victorian Institute of Teaching (VIT) has similar information sharing requirements, considers similar information and undertakes a similar assessment to the WWC Checks.

Because of this exemption, the Education and Training Reform Act 2006 (Vic) (ETR Act) sets out requirements for registered teachers, and their employers, to notify the VIT of certain matters relevant to child safety and wellbeing, to enable the VIT to consider their registration.

This Policy and its Procedure are designed to ensure that Staff who are registered teachers and the College meet their responsibilities to notify the VIT of required information relevant to child safeguarding. They are also designed to ensure that teaching Staff who would fail the WWC Check (were they not exempt) are removed from employment or engagement at the College.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices

heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all **staff members**.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Employer

At St Patrick's College, the “employer” of our registered teachers is the Principal.

The “employer” of the Principal is Insert Principal's Employer Name.

Serious incompetence

Registered teachers are required to achieve and maintain an acceptable level of competence in their practice.

Serious incompetence refers to a situation where a teacher is failing to meet the Australian Professional Standards of Teaching (APST) to such a degree that their whole approach to teaching:

- is fundamentally flawed
- defeats the cause of imparting knowledge to students.

Serious misconduct

Serious misconduct generally involves a substantial departure from the accepted standards of the profession, including conduct that is found to be:

- infamous
- disgraceful
- dishonourable
- shameful.

In many (but not all) cases, breaches of the Child Safeguarding Codes of Conduct could meet this definition.

Unfit to be a teacher

Fitness to teach is defined as whether the character, reputation and conduct of a person are such that the person should be allowed to teach in a school.

A teacher's behaviour, whether in the practice of teaching or in their private lives, may demonstrate qualities of a kind that indicate that that person is not fit to practise as a teacher. In many (but not all) cases, breaches of the Child Safeguarding Codes of Conduct could meet this definition.

Impairment

Impairment is defined as a:

- physical or mental impairment
- disability, condition or disorder (including substance abuse or dependence).

If a teacher's ability to practise as a teacher is seriously affected, detrimentally affected, or likely to be affected, due to an impairment, then they may be considered unfit to teach.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

Who Notifies the VIT on behalf of the College?

The Principal must notify the VIT if the College has taken "action" against a registered teacher.

If the incident or allegation involves the Principal, Insert Principal's Employer Name has authorised the EREA Director of Safeguarding to make the required notifications to the VIT on its behalf.

References in this Policy and its Procedures to the Principal therefore include these other people when they are undertaking the College's notification functions under the ETR Act or an investigation under

this policy.

St Patrick's College's Policy

1. Staff Obligations

(a) Registered teachers **must** meet their obligations under the ETR Act and notify the VIT if they are committed for trial, or found guilty or convicted of, certain relevant offences, including:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Child, Youth and Families Act 2005 (Vic)
- other offences linked to the safety of children.

(b) Registered teachers **must** also notify WWCCV of all organisations in which they undertake child-related work (other than teaching) within 21 days of starting that child-related work.

(c) To enable the College to meet its obligations under the ETR Act, it is the College's policy that:

- Registered teachers must inform the Principal (or, if the person is the Principal, the EREA Director of Safeguarding) if they are charged with, committed for trial for, or convicted or found guilty of any of the above offences or if they have been given a WWC exclusion in relation to a WWC Check
- All Staff must immediately report to the Principal (or, if the incident or allegation involves the Principal, to the EREA Director of Safeguarding) any incident or allegation that raises concerns about a teacher's fitness to teach, including:
 - serious incompetence
 - serious misconduct
 - that the teacher is unfit to be a teacher
 - that the teacher's ability to practise as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment
 - that the teacher has been charged with, or has been convicted or found guilty of, any of the above offences.

(d) Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

2. The College's Obligations

(a) Where the Principal becomes aware of any incident or allegation that raises concerns about a teacher's fitness to teach, they **must** conduct an internal investigation in such a manner as the circumstances demand, unless the incident or allegation is the subject of:

- a report to Child Protection or Police, in which case the internal investigation may only occur with the consent of the relevant agency (for more information, refer to Mandatory Reporting to Child Protection Policy and Procedures, Non-Mandatory Reporting to Child Protection Policy and Procedures and Reporting to Police Policies and Procedures)
- an internal investigation under our Reportable Conduct policy, in which case that investigation is the internal investigation for the purposes of this Policy

(b) Where the Principal becomes aware that a teacher has been:

- convicted or found guilty of certain criminal offences that accord with those relevant to WWC Checks; or
- given a WWC exclusion in relation to a WWC Check

they **must** dismiss or remove the teacher from St Patrick's College's employment or engagement.

(c) In either case, the Principal **must** make the required notifications to the VIT.

(d) Overseas Students

In addition to notifying the VIT, the College must notify the VRQA if an incident or concern that is investigated and notified to VIT under this Policy relates to an overseas student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student, thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Procedures

Teacher Notifications

VIT Notifications

For information about the kinds of offences that teachers must notify to the VIT, see the Table in the VIT's Teacher Obligations Factsheet.

Contact details for notifying the VIT are here.

WWCCV Notifications

Teachers must notify WWCCV of all organisations in which they undertake child-related work (other than teaching) using the Notification Form found [here](#).

Employer Notifications

What Must be Notified to the VIT?

"Actions" that will be notified by the College to the VIT include (but are not limited to):

- any final disciplinary actions taken by the College after investigation (i.e. decisions to stand a teacher down from duties during an investigation is not an "action" that must be notified), which may include:
 - a formal warning or reprimand
 - a financial penalty
 - a reduction in classification
 - suspension or termination of employment
 - where a teacher resigns, or their employment ends by mutual agreement, after being advised by the College that it is inquiring into allegations.

The College will also notify the VIT if a teacher takes action against the College in another forum such as the Fair Work Commission.

When to Notify the VIT

The VIT should be notified of actions taken against a teacher after the investigation is finalised, and:

- one or more of the above allegations is found to be proven
- action has been taken in relation to those allegations.

How to Notify the VIT

Notifications to the VIT must be in writing and must include:

- a description of the allegations found proved and the action taken
- in cases where the teacher's employment ceased prior to the College taking any action, a description of the concerns
- relevant documentation associated with the allegations, which may include:
 - statements of complainants and the identity of witnesses

- complaints received by the College about the registered teacher (including from Staff, parents and students)
- correspondence between the College and the registered teacher concerning the allegations
- any statements or responses received from the registered teacher (or their representative)
- the registered teacher's letter of resignation
- investigation reports and materials
- any other relevant information.

For more information, refer to the 'Notifying us about teacher concerns' section of the VIT's [website](#).

Record Keeping About VIT Notifications

For the College's record keeping obligations relating to VIT Notifications, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

VIT Response to Notification

When it is notified that a teacher has been charged with, convicted or found guilty of a relevant offence, the VIT may, and in some cases must, refuse, cancel or suspend the teacher's registration, depending on the kind of offence and on whether the teacher has been charged, convicted or found guilty.

For more information on what actions the VIT may or must take, refer to the Table in the VIT's [Teacher Obligations Factsheet](#).

The VIT must then notify WWCCV if it has suspended (or revoked such a suspension) or cancelled a teacher's registration.

On receiving other notifications regarding concerns about a teacher's fitness to teach, the VIT has the power to:

- ensure that it has obtained all relevant information from the College, and may request further information
- decide whether the matter does not reach the threshold required for it to proceed
- conduct an investigation, an informal hearing, or a formal hearing
- summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

A formal hearing may result in findings that can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

Teacher Misconduct Reportable to the VIT and our Child Safeguarding Codes of Conduct

Our Child Safeguarding Codes of Conduct Policies and Procedures outline expected standards of behaviour for all Staff at the College. Teachers in Victoria are also expected to comply with the Victorian Institute of Teaching's Victorian Teaching Profession's Code of Conduct.

Breaches of these Codes of Conduct will not always be teacher misconduct that is reportable to the VIT. Some breaches of our Child Safeguarding Codes of Conduct can be dealt with at the College level and the results of the investigation would not need to be reported to the VIT by the College. For example, a new teacher accepting a social media 'friend' request from a student on a single occasion would be a breach of our Child Safeguarding Codes of Conduct but may not amount to serious misconduct, the investigation outcome of which must be reported to the VIT.

However, all breaches of Codes of Conduct must still be reported internally under the Child Safeguarding Codes of Conduct Policies and Procedures.

VIT Notifications and Other Reporting Obligations

The internal reporting and VIT notification obligations covered in this Policy are separate and distinct from obligations to report to Child Protection, (refer to Mandatory Reporting to Child Protection Policy and Procedures and Non-Mandatory Reporting to Child Protection Policy and Procedures), obligations to report to Police (refer to Reporting to Police Policies and Procedures) and reporting obligations under the Reportable Conduct Scheme (refer to Reportable Conduct Policies and Procedures).

Implementation

This Policy and its Procedures are made available to all Staff via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for staff members. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing Child Safeguarding Complaints Management Policy and Procedures and Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, which are available on our public website as well as Complispace-PolicyConnect and Staff Learning

Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of the Reporting Teacher Misconduct to the VIT Policy and Procedures

St Patrick's College enforces this Policy and Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Reporting Teacher Misconduct to the VIT Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Teacher Registration Policy](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

Under section 2.6.57 of the ETR Act, registered teachers must notify the VIT, and include in any application for registration or renewal of their registration, if they are committed for trial or been convicted or found guilty of certain criminal offences that accord with those relevant to WWC Checks.

Registered teachers must also notify Working with Children Check Victoria (WWCCV) of all organisations in which they engage in child-related work (other than teaching).

Under section 2.6.30, the “employer” of a registered teacher must notify the VIT if it has taken:

- any action against a registered teacher in response to allegations:
 - of serious incompetence
 - of serious misconduct
 - that the teacher is unfit to be a teacher
 - that the teacher's ability to practise as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment, or
- any other actions against a registered teacher that may be relevant to their fitness to teach.

The “employer” of a teacher must also immediately notify the VIT if it becomes aware that a teacher:

- has been charged with, or convicted or found guilty of, certain criminal offences that accord with those relevant to WWC Checks; or
- is given a WWC exclusion in relation to a WWC Check.

Section 2.3.10 requires that the “employer” dismiss or remove from its employment or engagement any teacher who has either:

- been convicted or found guilty of certain criminal offences that accord with those relevant to WWC Checks; or
- been given a WWC exclusion in relation to a WWC Check.

Related Forms and Documents

Insert Related Forms/Documents

References and Resources

- Victorian Institute of Teaching, [Notifying Us About Teacher Concerns](#)
- Victorian Institute of Teaching, [Teacher Obligations Fact Sheet](#)

Policy Administration

Insert Policy Control/Administration Information

Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures

Introduction to Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures

Insert Introductory/Purpose Text

College Staff respond to a range of student behaviour as a part of their everyday role at the College. However, specific guidance is required for Staff when responding to behaviour that is sexual in nature, because:

- the topic of student sexual behaviour can be uncomfortable, and this can affect the appropriateness of the responses that Staff may make
- the way that staff members respond to age-appropriate sexual behaviour is an important contribution to a student's healthy sexual development
- responding to concerning or harmful sexual behaviours may require the involvement of other professionals such as the Police, counsellors and Child Protection workers
- student sexual offending must be reported to the Police.

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, harmful or student sexual offending, helps Staff to support the development of healthy sexuality and protect students from abuse and other harm.

This section of the Child Safeguarding Program sets out the College's expectations, systems and procedures for enabling Staff to recognise and respond to sexual behaviour in students.

The Policies and Procedures in this Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information](#)
- [Responding to Sexual Behaviour in Children Policy and Procedures](#)
- [Responding to Student Sexual Offending Policy and Procedures](#)

Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information

Purpose

This section of the Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures sets out relevant definitions, key concepts and guiding information.

Recognising Sexual Behaviour

Sexual behaviours are not just about sex – they include any talk, touch, questions, conversations and interests that relate to sexuality and relationships. Sexuality is integral to a person’s identity and develops throughout life. It’s natural for children to express their sexuality through behaviour and healthy sexual behaviour may be expressed in a variety of ways through play and relationships and relates to the stage of development.

Key Definitions

What is Harmful Sexual Behaviour?

It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

The term “harmful sexual behaviours” covers a broad spectrum of behaviours that can range from those that are developmentally inappropriate and harm only the child exhibiting the behaviours, such as compulsive masturbation or inappropriate nudity, to criminal behaviours such as sexual assault.

Due to this broad spectrum, and the diversity of students’ backgrounds and circumstances, there is no one response or intervention suitable for all children with harmful sexual behaviours.

Some, but not all, harmful sexual behaviour is considered student sexual offending.

What is Student Sexual Offending?

Whether harmful sexual behaviour by a student might be “student sexual offending” depends on the nature of the behaviour, the age of the student with the behaviour and, in some cases, the age of the target or victim of the behaviour.

Only harmful sexual behaviours that may amount to a sexual offence against another person can be considered student sexual offending. Sexual offences are defined in the Crimes Act 1958 (Vic) (Crimes Act) and include:

- rape
- sexual assault
- indecent acts
- other unwanted sexualised touching.

Different laws regarding criminal responsibility apply for children under or above 10 years of age. Children aged under 10 cannot commit a criminal offence. Therefore, for the harmful sexual behaviour to be a sexual offence, the student must be aged 10 or over.

In addition, for the harmful sexual behaviour to be a sexual offence, the target or victim of the behaviour must be another person. It does not matter whether that person is a student at the College, another child or an adult.

Finally, under Victorian law, certain people are considered unable to consent to sexual activity and therefore sexual activity with these people is a sexual offence:

- children between 12-15 can only consent to sexual activity with a peer no more than two years their senior – this means that sexual activity between a child aged 12-15 and a student who is more than two years older may be student sexual offending
- people who do not have the capacity to understand the context and possible consequences of the sexual activity are considered unable to consent – this means that sexual activity led by a student aged 10 years or over with a person who has a cognitive impairment or is affected by alcohol or other drugs may be student sexual offending.

Student sexual offending therefore is defined as:

- sexual behaviour towards another person
- that is led by a student at the College aged 10 years or over; and
- that may amount to a sexual offence.

For more information on identifying student sexual offending, refer to [PROTECT: Identifying and Responding to Student Sexual Offending](#) and [Responding to Student Sexual Offending Policy and Procedures](#).

[What is Not Student Sexual Offending?](#)

Self-focused sexual behaviour

Harmful sexual behaviour by a student that is self-focused is not student sexual offending.

Consensual sexual activity between peers of similar age

Consensual sexual activity between a child aged 12-15 and a student who is less than two years older is not student sexual offending.

What to Do When Harmful Sexual Behaviour Is Not Student Sexual Offending

Harmful sexual behaviour that does not amount to student sexual offending must still be responded to. Refer to Responding to Sexual Behaviour in Children Policy and Procedures.

Guidelines for Identifying Sexual Behaviour

The College references the True Traffic Lights® Framework to enable Staff to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

Below is a non-exhaustive list of specific examples of green, orange and red light sexual behaviour at various ages. It is important to understand that this is a guide only and that all behaviour must be considered in its contexts, including religious and social values and the physical and intellectual capacity or mental health of the student/s involved.

As a general guide:

- Red light sexual behaviours are those that are problematic or harmful. This includes forceful, secretive, compulsive, coercive or degrading sexual behaviour. These behaviours signal the need to provide immediate protection and follow up support. If the behaviour is led by a student aged 10 or over against another person, it is likely to be student sexual offending.
- Orange light sexual behaviours are those that are concerning. They are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support. If the behaviour is led by a student aged 10 or over against another person, it could be student sexual offending.
- Green light sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support. These behaviours are not student sexual offending.

For Students Aged 10-13

Green light sexual behaviour may include:

- growing need for privacy
- masturbation in private
- curiosity and seeking information about sexuality
- use of sexual language
- interest and/or participation in girlfriend or boyfriend relationships
- hugging, kissing, touching with known peers
- exhibitionism amongst same age peers within the context of play e.g. occasional flashing or mooning
- use of mobile phones and internet in relationships with known peers.

Orange light sexual behaviour may include:

- masturbation in preference to other activities, in public and/or causing self-injury
- persistent explicit talk, art or play which is sexual or sexually intimidating
- accessing age restricted materials (e.g. movies, games, internet with sexually explicit content)
- persistent expression of fear of sexually transmitted infection or pregnancy
- marked changes to behaviour (e.g. older or adult flirting behaviours, seeking relationships with older children, young people or adults in preference to peers)
- engaging in sexual activities with an unknown peer (e.g. deep kissing, mutual masturbation)
- oral sex and/or intercourse with a known partner of similar age and developmental ability
- using mobile phones and internet with unknown people which may include giving out identifying details.

Red light sexual behaviour may include:

- compulsive masturbation (e.g. self-harming, seeking an audience)
- engaging vulnerable others in a process to gain sexual activity by using grooming techniques (e.g. gifts, lies, flattery)
- force or coercion of others into sexual activity
- oral sex and/or intercourse with a person of different age, developmental ability and/or peer grouping
- presence of sexually transmitted infection or pregnancy
- deliberately sending and/or publishing sexual images of self or another person
- arranging a face-to-face meeting with an online acquaintance
- sexual contact with animals
- sexual activity in exchange for money or goods

- possessing, accessing or sending child exploitation materials (e.g. photos of children naked or in sexual activities).

For Students Aged 14-17

Green light sexual behaviour may include:

- need for privacy
- masturbation in private
- accessing information about sexuality
- viewing materials for sexual arousal (e.g. music videos, magazines, movies)
- sexually explicit mutual conversations and/or use of humour and obscenities with peers
- interest and/or participation in a one-on-one relationship with someone of the same or other sex
- sexual activity with a partner of similar age and developmental ability (ability to consent must be considered)
- use of mobile phones and internet in relationships with peers.

Orange light sexual behaviour may include:

- sexual preoccupation that interferes with daily function
- intentional spying on others while they are engaged in sexual activity or nudity
- explicit communications, art or actions which are obscene or sexually intimidating
- repeated exposure of private parts in a public place with peers e.g. flashing
- unsafe sexual behaviour, including unprotected sex, sexual activity while intoxicated, multiple partners and/or frequent change of partner
- presence of sexually transmitted infection or unplanned pregnancy
- oral sex and/or intercourse with known partner of more than two years age difference or with significant difference in development
- arranging a meeting with an online acquaintance accompanied by a peer or known adult
- using mobile phones and internet to send or receive sexual images of another person with their consent.

Red light sexual behaviour may include:

- compulsive masturbation (e.g. self-harming, in public, seeking an audience)
- preoccupation with sexually aggressive and/or illegal pornography
- sexual contact with others of significant age and/or developmental difference

- engaging others in a process to gain sexual activity by using grooming techniques (e.g. gifts, manipulation, lies)
- deliberately sending and/or publishing sexual images of another person without their consent
- arranging a meeting with an online acquaintance without the knowledge of a peer or known adult
- sexual contact with animals
- sexual activity in exchange for money, goods, accommodation, drugs or alcohol
- forcing or manipulating others into sexual activity
- possessing, accessing or sending child exploitation materials.

True has produced a useful brochure that contains all this information and is available [here](#).

Responding to Sexual Behaviour in Children Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

All sexual behaviour displayed or disclosed by students, whether it is age-appropriate, concerning, harmful or student sexual offending, requires some level of information, support and a proactive response from Staff.

Refer to [Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information](#), for information about the different categories of sexual behaviours in children used at the College.

All green, orange and red light behaviours require some form of action and support.

This Policy and its Procedure set out the College's policies and procedures for responding to all types of sexual behaviour in children.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to:

- all Staff
- Direct Contact Contractors
- Direct Contact Volunteers

(together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the definitions and concepts in [Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts](#)

and Guiding Information, which categorise sexual behaviours in children as green light, orange light and red light behaviours.

Guiding Information for Responding to Sexual Behaviour in Children

Most sexual behaviours are normal and healthy and will be in the green category. Green light behaviours present opportunities to communicate with children about healthy sexuality.

Orange or red light behaviours are less common. They indicate the need to pay attention, monitor, supervise, provide sexuality and personal safety education and may also require therapy, protection from harm or a legal response.

Orange and red light behaviours may be student sexual offending if:

- the behaviour is led by a student aged 10 or over
- the behaviour is directed at another person; and
- the behaviour amounts to a sexual offence.

Responding to a student with orange light (concerning) and red light (problematic or harmful) sexual behaviours involves considering the College's duty of care both to any student who is a victim and to the student who is exhibiting the behaviours.

For orange light (concerning) or red light (problematic or harmful) sexual behaviours, Staff should follow the policies and procedures set out below.

Roles and Responsibilities

Roles and responsibilities relevant to the Responding to Sexual Behaviour in Children Policy and Procedures are set out in Child Safeguarding Responsibilities.

Orange Light Sexual Behaviour

St Patrick's College's Policy

- All staff members **must** report all incidents of or concerns about orange light behaviour internally to one of the College's Child Safeguarding Officers. For more information, refer to Reporting a Child Safety Incident or Concern Internally Policy and Procedures.
- Depending on the age of the student who is engaged in the behaviour and any previous incidents, the College will consider and take appropriate responses, set out in the **Procedures**, below.

Procedures

The College's response to orange light behaviour may include:

- reporting to the Police if the behaviour may be student sexual offending, pursuant to [Responding to Student Sexual Offending Policy and Procedures](#)
- reporting to Child Protection if the behaviour gives rise to a reasonable belief that the student exhibiting the behaviour is in need of protection or in need of therapeutic treatment, pursuant to [Mandatory Reporting to Child Protection Policy and Procedures](#) and [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- establishing prohibited areas/activities
- monitoring arrangements
- suspension/arrange for parents to pick the student up
- ensuring that it is reinforced to the student involved why the behaviour is unacceptable and the College's expectations of future behaviour
- where another student is affected by the behaviour, assessing and responding to the student's needs including:
 - respecting their preferences wherever possible about whether they would like to go home for the day, or stay at College
 - advising the student about how to respond to questions from other children and which staff member will be supporting the student
 - positively reinforcing the action in reporting the behaviour to adults (or through peers)
 - developing a Student Support Plan and offering College-based support or referring the student to appropriate external support services. For more information, refer to [Support Following Child Safety Incident or Disclosure](#).

Red Light Sexual Behaviour

St Patrick's College's Policy

- All staff members must take immediate action if they suspect, or are witness to, a student with red light (problematic or harmful) sexual behaviour, whether towards another person or not, or if a student discloses harmful sexual behaviour.
- Staff members **must** report all incidents of or concerns about red light behaviour by students aged 10 or over internally to the Principal or the Principal.
- Staff members **must also** report **all** incidents of or concerns about red light behaviour by students aged 10 or over externally, as set out in the **Procedures**, below.
- The College will consider and take appropriate responses, set out in the **Procedures**, below.

Procedures

External Reporting of Red Light Behaviour

Who to Report to	What Must be Reported	Considerations/Other Actions
Police	Red light sexual behaviour that is targeted at or has as a victim another person.	<p>This is considered student sexual offending.</p> <p>The report to Police may occur in addition to a report to Child Protection (see below).</p> <p>Refer to Responding to Student Sexual Offending Policy and Procedures.</p>
Police	Red light sexual behaviour that is self-focused and/or is not directed at another person but that involves illegal activity that is extreme in nature and poses a high risk to the student.	<p>This is not student sexual offending however must still be reported to Police.</p> <p>Refer to Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures.</p>
Child Protection	Red light sexual behaviour that is targeted at or has as a victim another person.	<p>A report must be made to Child Protection, in addition to the report to Police (see above), if you have a reasonable belief that:</p> <ul style="list-style-type: none"> • either the victim or the student exhibiting the behaviour is in need of protection; or • the student exhibiting the behaviour is in need of therapeutic treatment.

		<p>Refer to Responding to Student Sexual Offending Policy and Procedures, Mandatory Reporting to Child Protection Policy and Procedures and Non-Mandatory Reporting to Child Protection Policy and Procedures.</p>
<p>Child Protection</p>	<p>Red light sexual behaviour that is self-focused and/or is not directed at another person.</p>	<p>A report must be made to Child Protection if you have a reasonable belief that the student exhibiting the behaviour is:</p> <ul style="list-style-type: none"> • in need of protection; or • in need of therapeutic treatment. <p>Refer to Mandatory Reporting to Child Protection Policy and Procedures and Non-Mandatory Reporting to Child Protection Policy and Procedures.</p>
<p>Child FIRST/Orange Door</p>	<p>Red light sexual behaviour, whether targeted at or has a victim another person, or self- focused.</p>	<p>A referral to Child FIRST/Orange Door should be made (in the case of behaviour that is targeted at another person, in addition to the report to Police) if you have a concern for:</p> <ul style="list-style-type: none"> • the wellbeing of the student exhibiting the behaviour; and/or • the wellbeing of the victim <p>but where the student/victim is not in need of protection (for example, because their parent has protected or is likely to protect the child from harm).</p>

Refer to [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

The College's Response to Red light Behaviour

The College's response to red light behaviour will include:

- ensuring that adult supervision of children who have exhibited or disclosed red light harmful sexual behaviour is maintained until other agencies provide advice on how to respond, or until the child's parents arrive.
- supporting any student who is the victim of another student's harmful sexual behaviour in accordance with [Support Following Child Safety Incident or Disclosure](#)
- working with Child Protection and Police to provide appropriate ongoing support to those involved.

For more information, refer to [Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. The policies and procedures in the subsections are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#)

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing Child Safeguarding Complaints Management Policy and Procedures and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Responding to Sexual Behaviour Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Recognising and Responding to Sexual Behaviour in Children and Student Sexual Offending Policies and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending Policies and Procedures](#)
- [Responding to Student Sexual Offending Policy and Procedures](#)
- [Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Student Sexual](#)

Offending

- National Catholic Safeguarding Standards (Standard 7)
- EREA Child Safeguarding Standards Framework (Standard 7)

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse – A Template for Victorian Schools](#)
- Department for Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending – a Template for All Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- [True Traffic Lights® Framework](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#)

Policy Administration

Insert Policy Control/Administration Information

Responding to Student Sexual Offending Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The Four Critical Actions for Schools: Responding to Student Sexual Offending, published by the Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, must be applied in any circumstance where there is an incident, allegation, or you form a suspicion that, a student – or any other person – is the victim of a sexual offence committed by another student.

This Policy and its Procedures set out the College's policies and procedures for responding to student sexual offending.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to:

- all Staff
- Direct Contact Contractors
- Direct Contact Volunteers

(together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Key Definition: Student Sexual Offending

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures is the additional key definition of “student sexual offending”.

Student Sexual Offending

“Student sexual offending” is

- behaviour led by a student aged 10 or over;
- that is directed at another person; and
- that amounts to a sexual offence.

Student sexual offending includes suspected sexual offending that may have taken place outside of College grounds and hours.

For more information, refer to [Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information](#).

Roles and Responsibilities

Roles and responsibilities relevant to the [Recognising and Responding to Sexual Behaviour in Children](#) and to [Student Sexual Offending Policies and Procedures](#) are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. All staff members must take action if they suspect, or are witness to, student sexual offending as set out in [Procedures for Responding to Student Sexual Offending](#), below.

2. Staff members must report all incidents, allegations, disclosures or suspicions of student sexual offending internally to the Principal.
3. Staff members must report all incidents, allegations, disclosures or suspicions of student sexual offending externally to Police.
4. Staff members must also make any other required reports to other external agencies, as set out in the Procedures, below.
5. Staff members must record the incident, allegation, disclosure or suspicion of student sexual offending, and all actions taken in response, in the [Student Sexual Offending Record Keeping Template](#). For more information, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

Procedures

[Recognising Student Sexual Offending](#)

There are four main ways that you may become aware of student sexual offending:

- witnessing an incident
- forming a suspicion through observing key indicators
- receiving a disclosure from or about a current student
- receiving a disclosure from or about a former student.

[Procedures for Responding to Student Sexual Offending](#)

When you become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, you must follow the [Four Critical Actions for Schools: Responding to Student Sexual Offending](#):

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

[*Action 1: Responding to an Emergency*](#)

As soon as you become aware of student sexual offending, you must take steps to protect all affected students, including:

- separating the alleged victim and others involved, ensuring that all affected students are supervised by a staff member

- arranging and providing any necessary urgent medical care by either administering first aid or calling 000 for an ambulance
- calling 000 for urgent Police assistance if the alleged student offender poses an immediate health or safety risk to any person at the College
- taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive.

For more information about how to respond in the first instance refer to [Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures](#).

Action 2: Reporting to Authorities

Report to Victoria Police

After the immediate health and safety of all students involved has been addressed, you must report the incident, allegation, disclosure or suspicion of student sexual offending to Victoria Police on 000.

If the student who is alleged to have engaged in student sexual offending is aged 18 or over, and the alleged victim is aged under 16, a failure to report the student sexual offending to the Police may amount to the criminal offence of Failure to Disclose.

For more information, refer to [Reporting to Police Policies and Procedures](#).

Report to Child Protection

In addition to reporting to Police, you must report the incident to Child Protection if you reasonably believe that:

- the victim is a child and may be in need of protection because their parents/carers did not or are unlikely to protect the child from the student sexual offending (which would require a Mandatory Report to Child Protection) or from other harm (which would require a Non-Mandatory Report to Child Protection)
- the student who is alleged to have engaged in student sexual offending is aged under 18 and:
 - may be in need of therapeutic treatment to address their sexually abusive behaviours (which would require a Non-Mandatory Report to Child Protection)
 - they are exhibiting physical and/or behavioural indicators that lead you to believe that they may themselves be or have been a victim of sexual abuse, physical abuse or any other kind of abuse or other harm (which would require either a Mandatory or Non-Mandatory Report to Child Protection).

For more information, refer to [Mandatory Reporting to Child Protection Policy and Procedures](#) and [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

When reporting to Child Protection, you must identify a contact person at the College for future liaison with Child Protection about the incident. This can be the Principal or the Senior Child Safeguarding Officer for example. Additionally, you should seek advice from Child Protection about contacting parents/carers.

Report to Child FIRST/Orange Door

If the student or the victim is a child but is not in need of protection (for example, because their parent has protected or is likely to protect the child from harm), but you still have a significant concern for:

- the wellbeing of the student exhibiting the behaviour; and/or
- the wellbeing of the victim,

then you should consider, in addition to reporting to Police, a referral to Child FIRST/Orange Door.

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures](#).

No External Report

If you decide not to report externally, you must record the reasons for this decision in the [Student Sexual Offending Record Keeping Template](#). For more information, refer to [Child Safeguarding Record Keeping Policy and Procedures](#).

Report to the Principal and/or the Principal

Following any incident, allegation, disclosure or suspicion of student sexual offending you must report the matter to the Principal and/or to the Principal.

When reporting to the Principal and/or the Principal, include:

- the details of the suspected student sexual offending, including the names of those involved
- any immediate actions taken to protect the safety of the students involved
- your report to Victoria Police and/or Child Protection
- possible steps that can be taken to contact parents/carers to support the students impacted by the incident, where appropriate.

If you have notified the Principal before making an external report to Victoria Police or Child Protection, and they advise you not to make an external report, you must disregard the Principal's advice if you have formed a reasonable belief that student sexual offending has occurred. In this situation, you must still make a report to the Police and, where appropriate, Child Protection.

The Principal has additional responsibilities in coordinating the College's response to the incident. Refer to the Principal's Checklist developed by Child Protection [here](#).

Making Additional Reports

Every report is critical to protecting a child by building evidence and providing more information to authorities. Therefore, you must make a new report in any circumstances where you become aware of any further incidents, allegations, disclosures, or form a new suspicion, of student sexual offending.

Even where Child Protection or Victoria Police have been involved or notified regarding the same incident, you must report all new information.

Your reporting obligations are separate from any obligations on other Staff, Volunteers and Contractors, so even where you think that another person at the College might make a report about an incident based on their own information, you too must report your suspicion or knowledge of student sexual offending. It's important to remember that others may not have the specific detail that you have regarding the incident.

Where both you and another staff member have formed a reasonable belief of student sexual offending involving the same child, based on the same events or information, you should discuss who is best placed to report the matter to Victoria Police and, if appropriate, Child Protection, however the non-reporter must ensure that the report has been made.

Reporting Student Sexual Offending and Other Reporting Obligations

The obligation for staff members to report student sexual offending to Victoria Police and, where appropriate, Child Protection is separate and distinct from other legal reporting obligations.

However, in some situations, more than one reporting obligation will apply.

For example, an incident of student sexual offending may give rise to the obligation to report to Victoria Police under these student sexual offending requirements as well as to Child Protection under [Mandatory Reporting to Child Protection Policy and Procedures](#).

The offence of Failure to Protect a child from a substantial risk of becoming a victim of a sexual offence committed by an adult associated with the College does not apply to student sexual offending, unless you form a reasonable belief that an adult associated with the College may have also been involved in the commission of the offence.

Overseas Students

If the student sexual offending relates to an overseas student, and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to the student, you will be required to make an additional report to the VRQA on (03) 9637 2806 or via email at vrqa.schools@edumail.vic.gov.au.

Action 3: Contacting Parents/Carers

Following an incident, allegation, disclosure or suspicion of student sexual offending, communicating with the parents/carers of students involved is critical.

However, it is equally important that, before contacting parents/carers, advice is sought from Victoria Police and/or Child Protection to ensure that communication is the correct decision and also to confirm what should be communicated.

Sometimes communication with parents/carers is not appropriate because:

- a disclosure to the parent/carer may subject the child to further abuse or other harm
- the student is an adult (aged 18 years or over) and has requested that their parent/carer not be notified
- the student is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on their own behalf) and has requested that their parent/carer not be notified (in these circumstances it is preferable that the child nominate another responsible adult to be contacted)
- contacting the parents/carers is likely to adversely affect a Victoria Police or Child Protection investigation of the student sexual offending.

If the Police or Child Protection have advised that it is appropriate to contact the parents/carers, remember to:

- remain calm, be empathetic, and acknowledge their concerns
- provide appropriate details of the incident of student sexual offending

- outline the action that the College has taken to date, including who the incident has been reported to
- provide the name and contact number of the Police officer or Child Protection worker who is investigating the matter
- provide information on whether they are likely to be contacted by the Police or Child Protection
- inform them that the investigation may take some time and ask what further information or assistance the College can provide
- assure them that the College's wellbeing Staff can provide support to the student.

All communication with parents/carers must be recorded in the [Student Sexual Offending Record Keeping Template](#).

For more information, refer to [Communicating with Parents/Carers About Internal and External Reports Policy and Procedures](#) and [Child Safeguarding Record Keeping Policy and Procedures](#).

Action 4: Providing Ongoing Support

Instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of the students involved and other College community members.

In addition to reporting incidents of student sexual offending and communication with parents/carers, the College must provide ongoing support to students, Staff, Volunteers and other members of the College community affected by the incident. For more information, refer to [Support Following Child Safety Incident or Disclosure](#).

Support for affected students (including victims of the offending, or those who engaged in the offending) can include direct support from wellbeing professionals including the College counsellor, referral to external wellbeing professionals, and/or [Support for Students Interviewed at the College](#), and should also include the development of a Student Support Plan.

Where appropriate, this ongoing support should be provided in partnership with affected students' parents/carers.

While a child's background should not impact on a decision to report alleged or suspected student sexual offending, you should be sensitive to a child's individual circumstances when providing support and working with parents/carers impacted by the offending. Before creating a Student Support Plan, special consideration needs to be taken for students who:

- have a disability

- identify as Aboriginal or Torres Strait Islander
- are from culturally or linguistically diverse (CALD) backgrounds
- have refugee backgrounds
- are overseas students

Support must also be provided to staff members impacted by student sexual offending. Staff members can contact Independent Schools Victoria on (03) 9825 7200 for more information about wellbeing support.

You must record the planned actions to be taken to support all students involved in the student sexual offending in the [Student Sexual Offending Record Keeping Template](#). For more information, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. The policies and procedures in its subsections are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing Child Safeguarding Complaints Management Policy and Procedures and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Responding to Sexual Behaviour Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties

- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Recognising and Responding to Sexual Behaviour in Children and Student Sexual Offending Policies and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Recognising Sexual Behaviour in Children and Student Sexual Offending: Key Definitions, Concepts and Guiding Information](#)
- [Responding to Sexual Behaviour in Children Policy and Procedures](#)
- [Managing Your Initial Response to a Child Safety Incident or Concern Policies and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- National Catholic Safeguarding Standards (Standard 7)
- EREA Child Safeguarding Standards Framework (Standard 7)

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child](#)

abuse - A Template for Victorian Schools

- Department for Education, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT Responding to Suspected Student Sexual Offending - a Template for All Victorian Schools

Insert Related Forms/Documents

References and Resources

- True Traffic Lights® Framework
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Four Critical Actions for Schools: Responding to Student Sexual Offending
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse

Policy Administration

Insert Policy Control/Administration Information

Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

All Staff, Volunteers, and Contractors who have students under their care owe a duty of care to students at the College to ensure that they feel safe and supported in all College environments.

This Policy is designed to ensure that concerns about the wellbeing of a student that do not appear to be the result of abuse or other harm, Reportable Conduct or staff misconduct, are responded to appropriately.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to:

- all Staff
- Direct Contact Volunteers
- Direct Contact Contractors

(together referred to as "Staff" or staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other](#)

Harm.

Roles and Responsibilities

Roles and responsibilities relevant to the Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures are set out in Child Safeguarding Responsibilities.

St Patrick's College's Policy

Obligation to Act

All concerns about the wellbeing of students should be taken seriously and acted on, including those that may not be about abuse or other harm. For more information, refer to Duty to Protect/Failure to Protect Policy and Procedures, Non-Mandatory Reporting to Child Protection Policy and Procedures and Reporting to Police Policies and Procedures.

Record Keeping Obligations

For the College's record keeping obligations relating to child safety incidents or child wellbeing concerns, refer to the Child Safeguarding Record Keeping Policy and Procedures.

Procedures

Staff members who have any concern about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, can raise their concerns internally and/or externally.

These concerns may be reported to:

- internally, one of the College's Child Safeguarding Officers
- Victoria Police
- Child Protection
- Child FIRST/the Orange Door

depending on the age of the student and the nature of the concern.

Staff members should also consider whether a referral to a support service may assist.

Reporting to a Child Safeguarding Officer

Examples of concerns that might not be the result of abuse or other harm but that might warrant a discussion with a Child Safeguarding Officer include:

- bullying, whether the student is the victim or the bully
- cyber safety issues that do not rise to the level of risk of significant harm
- family conflict or family breakdown that appears to be impacting on the student
- vulnerability due to isolation or significant social or economic disadvantage.

External Reporting

Examples of concerns that might not meet the threshold for mandatory external reporting under the law, but that might still be the subject of an external report or the sharing of information with an external person or organisation include where:

- a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (may be reported to Police or Child Protection)
- a student appears to have an undiagnosed or untreated disability but whose parents/carers appear unwilling or unable to address the concern (may be reported to Child Protection)
- family conflict or family breakdown appears to be impacting on the student (may be reported to Child Protection or Child FIRST/Orange Door)
- vulnerability due to isolation or significant social or economic disadvantage (may be reported to Child Protection or Child FIRST/Orange Door).

If you are unsure whether to take action, or what action to take, you can discuss your concerns with a member of the Principal or one of the College's Child Safeguarding Officers.

Victoria Police

As set out in Reporting to Police Policies and Procedures, it is the College's policy that you must contact Victoria Police if:

- there is any concern for a student's immediate safety
- a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student.

You may do this without the consent of the student, even if the student is aged 18 or over.

If the student who is partaking in illegal activity that is extreme in nature or that poses a high risk to the student is aged under 17, you could instead make a Non-Mandatory Report to Child Protection if you believe the student needs protection or other assistance.

Extreme, risk-taking behaviour is behaviour that has potentially severe or life-threatening consequences. Examples include:

- severe alcohol or drug use
- unsafe sexual activity
- solvent abuse and chroming
- violent or dangerous peer group activity.

Child Protection

Reports to Child Protection can be made in a number of circumstances other than just when a child may be in need of protection. This may occur if you have significant concerns that a child is at risk of harm (or has been harmed) and the harm has had, or is likely to have a serious impact on the child's safety, stability or development. These concerns could include:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

We call these 'wellbeing reports' to Child Protection. For more information, refer to [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

Instead of making a wellbeing report in these situations, you may follow the procedures for making a referral to a community support service such as Child FIRST/The Orange Door.

Child FIRST/The Orange Door

Child FIRST provides a central referral point to a range of community-based family services and other supports. Child FIRST is progressively transitioning to The Orange Door. The Orange Door is the new access point for women, children and young people experiencing family violence and for families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported.

For information about which areas have Child FIRST and which have The Orange Door, see the Child First Website [here](#).

A referral to Child FIRST/The Orange Door should be considered if a staff member has significant concerns for the wellbeing of a child but:

- does not believe that the child is at risk of significant harm; and
- the immediate safety of the child will not be compromised by making the referral.

Referrals to Child FIRST/The Orange Door may be made without the consent of the child or their family, although it is the College's policy that consent should be sought unless doing so would place the child at further risk. For more information, refer to [Sharing Information Relating to a Student's Safety or Wellbeing](#).

A referral to Child FIRST/The Orange Door may be appropriate in the following situations:

- significant parenting problems may be affecting the child's development
- serious family conflict, including family breakdown
- the family is under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage may be adversely impacting on a child's care or development.

After receiving a referral, Child FIRST/The Orange Door may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST/The Orange Door will inform the referrer of the outcome of the referral.

Child FIRST/The Orange Door must report the matter to Child Protection if they form the view the child is in need of protection.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) and [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#), which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems,

Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Reporting Other Concerns Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- Children, Youth and Families Act 2005 (Vic) (CYF Act)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

Under section 28 of the CYF Act, any person can make a report to the Department of Families, Fairness and Housing (Child Protection) if they have a significant concern for the wellbeing of a child (aged under 17).

Although these reports are voluntary under the CYF Act, the [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#) sets out circumstances in which these reports **must** be made by staff members.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Victorian Department of Education, [Step-by-Step Guide to Making a Report to Child Protection or Child FIRST](#)
- Joint protocol by Department of Health and Human Services, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools [Protecting the Safety and wellbeing of children and young people](#)

Policy Administration

Insert Policy Control/Administration Information

Making Additional Reports Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Every report to an external authority is critical to protecting the relevant student, by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the student.

Therefore, there are some circumstances in which Staff are required, after an initial external report has been made, to make an additional report to an appropriate external authority.

This Policy and its Procedures are designed to ensure that Staff make any additional external reports that may be required by law.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all staff members.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

Roles and responsibilities relevant to the Making Additional Reports Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. Reporting Further Grounds for Belief

Staff members who hold a reasonable belief that a child has been, or is at risk of being abused or harmed, must still make a report to the relevant external authority about the child even if:

- you are aware that Child Protection or the Police have previously been involved with or are currently involved with the child and/or their family as a result of other concerns having been raised in the past
- you are aware that another person, such as another staff member, Volunteer or family member, has previously raised other concerns with the relevant authorities.

2. Another Person Has Made a Report About the Same Circumstances

There may be times when two or more staff members at the College (for example, both the Principal and a Child Safeguarding Officer) have formed a belief about the same student on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information.

However, the other staff member, who does not make the report, must ensure that the report has been made and that all grounds for their own belief were included in the report made to the relevant authority.

Further, if staff members do not agree on what should be reported, for example, a staff member does not agree with the Principal's decision not to make a report to an external authority, the staff member is legally obliged to make a report themselves if their own concerns meet the required threshold for reporting.

3. Record Keeping Obligations

For the College's record keeping obligations relating to child safety incidents or child wellbeing concerns, refer to the Child Safeguarding Record Keeping Policy and Procedures.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our Child Safeguarding (Safety and Wellbeing) Policy and Procedures and Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures, which are available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Additional Reporting Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties

- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Making Additional Reports Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- [Ministerial Order 1359](#), Clause 11(2)
- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018

Insert Related Forms/Documents

Policy Administration

Insert Policy Control/Administration Information

Support for Students Interviewed at the College Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The College has certain obligations when a request is made by the Police or Child Protection workers to interview students regarding child safety incidents or concerns at the College. Students to be interviewed may include victims, witnesses and alleged perpetrators.

This Policy and its Procedures set out the College's expectations, policies and procedures for supporting students when they are interviewed at the College about child safety incidents or concerns.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all staff members.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

Insert Outline of Responsibilities

St Patrick's College's Policy

1. Support for Students Interviewed at the College

All students interviewed at the College by the Police or Child Protection must be offered support by the College.

2. The Principal's Obligations

The Principal must:

- facilitate interviews requested by the Police or Child Protection workers
- balance their obligation to protect the rights of students with their obligation to assist the Police and Child Protection in their exercise of duty
- ensure that the College has arrangements for appropriate people to be available to act as independent support persons for students interviewed at the College by the Police or Child Protection workers
- in consultation with Police and with their consent, advise students aged under 18 who are interviewed as part of a Police investigation of their right to have their parent/carer, or if not practicable or appropriate, an independent support person, present at such an interview
- in consultation with Child Protection workers and with their consent, advise students who are interviewed as part of a Child Protection investigation of their right to be supported during that interview, including by have their parent/carer, or if not practicable or appropriate, an appropriate support person, present at such an interview
- in consultation with Police or Child Protection workers, arrange for the student's parent/carer or their chosen support person to be present at such an interview
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

3. Contacting Parents/Carers

Before contacting a student's parents/carers about a Police or Child Protection interview that is proposed to occur at the College, the Principal must seek advice from the Police or Child Protection to determine if parents/carers should be present at the interview.

Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police.

Parents/carers should also be advised of interviews that have been scheduled with Child Protection where it is deemed appropriate, however Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.

Procedures

Who Should Support Students During Interviews?

Where possible, the student's parents/carers should be present for any interview by Police.

Parents/carers may be present in some, but not all, interviews by Child Protection workers.

Where it is not practicable for a parent/carer to be present during an interview, one of the following persons may provide support to the student, as appropriate:

- the Principal
- a Child Safeguarding Officer
- in the case of Child Protection interviews, another appropriate support person
- in the case of Police interviews of a student who is a suspect, an independent support person over the age of 18 who is not connected with the College, for example a social worker or a non-College nurse.

Consideration should be given as to whether there may be a conflict of interest between the support person and the student being interviewed. For example, a situation may arise where the Principal or Child Safeguarding Officer is related to the alleged perpetrator of the child safety incident or may be a witness in the investigation (such as a witness to the incident or the person to whom the student first disclosed), the student is a family member, or the Principal or Child Safeguarding Officer may be the perpetrator.

Student as a Victim/Witness

Where appropriate, parents/carers should be advised of the scheduling of victim/witness interviews with the Police.

When the Principal allows interviews involving students who may be victims or witnesses to occur at the College, the Principal should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse or other harm.

Student as a Suspect

If Police need to speak with a student aged under 18 who is suspected of criminal conduct, including conduct towards another child or student at the College, this interview must be done in the presence of the student's parents/carers, or another independent support person.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training

for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary Insert Methods of Communication (e.g. newsletters, notice boards, intranet).

They are also available in hard copy by request.

Breach of Interview Support Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Support for Students Interviewed at the College Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Responding to Student Sexual Offending Policy and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- Children, Youth and Families Act 2005 (Vic)

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Joint protocol by Department of Health and Human Services, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools [Protecting the Safety and wellbeing of children and young people](#)

Policy Administration

Insert Policy Control/Administration Information

Information Sharing Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

Insert Introductory/Purpose Text

Standard 2 of the Victorian Child Safe Standards and Standard 1 of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework require that child safety and wellbeing is embedded in St Patrick's College's leadership, governance and culture. One of the criteria set for this Standard, and one of the requirements of Ministerial Order 1359 to implement it, is that the College's Staff and Volunteers understand their obligations on information sharing.

To meet these requirements, the College must have documented information sharing policies. These policies must ensure that information are treated as confidential and that the sharing or distribution

of information is restricted to nominated personnel. Information sharing must be conducted in accordance with relevant legislative and statutory requirements.

This section of the Child Safeguarding Program describes our policies and procedures for information sharing relevant to child safety and wellbeing.

Each Policy or Procedure in this section also contains additional guidance for Staff, Volunteers, Contractors and the College to assist in them to understand and comply with it.

The Policies and Procedures in This Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Confidentiality and Privacy Policy and Procedures](#)
- [Communicating with Parents/Carers About Internal and External Reports Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)
 - [Information Sharing \(Child Safeguarding\) Policy and Procedures](#)
 - [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\) Policy and Procedures](#)
 - [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#)
 - [Complying with Court Orders \(Information Sharing\) Policy and Procedures](#)
 - [Information Sharing Record Keeping Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)

Where these policies and procedures refer to Staff and to certain categories of Volunteers and Contractors, these terms include people who are working at or for the College as well as people who are working at or for the Boarding School.

Similarly, where these policies and procedures refer to students, this term includes all students as well as boarding students.

Approvals and Reviews of the Information Sharing Policies and Procedures

An appropriate person at St Patrick's College or EREA has approved each Policy and Procedure in this section.

These Policies and Procedures are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement Policy and Procedures](#).

The appropriate person at the College or EREA approves all changes to these Policies and Procedures that result from a review.

Policy administration information, including a record of the initial approval of the relevant policy and procedure in this section, the date of the next scheduled review and the dates of all other reviews and approvals, is set out at the end of each Policy and Procedure.

Source of Obligation and Related Legislative Instruments

- Victorian Child Safe Standards, Standard 2
- [Ministerial Order 1359](#), Clause 6
- [National Catholic Safeguarding Standards](#), Standard 1
- [EREA Child Safeguarding Standards Framework](#), Standard 1

Confidentiality and Privacy Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Various legislation in Victoria sets out confidentiality and privacy obligations relevant to child safeguarding, as well as detailing when this information may and may not be shared.

This Policy and its Procedures set out the College's expectations, systems and procedures for maintaining confidential information and managing privacy relevant to child safeguarding pursuant to various legislative obligations.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

Roles and responsibilities relevant to the Confidentiality and Privacy Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. Everyone at the College, including students, is made aware that all child safety incidents and concerns will be reported internally and/or to the relevant external bodies, and that confidentiality cannot be maintained in these instances.

2. Staff members must not provide undertakings that are inconsistent with their reporting obligations in the College's Child Safeguarding Program. In particular, Staff must not promise a student that they will not tell anyone about the student's disclosure.
3. However, in all other respects, confidentiality and privacy must be maintained and information regarding a child safety incident or concern should only be shared on a 'need to know' basis. For more information about when and how to share information, refer to [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#).
4. Anyone who has access to information regarding a case of suspected child abuse or other harm must keep such information confidential and secure, and must only disclose or discuss this information internally with those involved in managing the situation.
5. Students and any other parties who become involved in the investigation of a child safety concern or incident (this may include other students) should be informed of the reporting process, and be required to maintain confidentiality.

Procedures

Protection of Reporter's Identity

Reports or referrals made to the Department of Families, Fairness and Housing (Child Protection) or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is 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 the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

Reporter Liability

A person who makes a Mandatory Report in accordance with the Children, Youth and Families Act 2005 (Vic) or a report under the Child Wellbeing and Safety Act 2005 (Vic) (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it is not a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

Protection of Staff's WWC Check Status

The College will only be informed of whether an individual passes or fails the WWC Check. None of the information gathered for the WWC Check, such as criminal or professional records, will be passed on to St Patrick's College.

Protection of Personal Information

How St Patrick's College handles the information that we collect about individuals (referred to in the Privacy Act 1988 (Cth) as "personal information") is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

Procedure for Managing Requests for Information

If you receive a request from the Police, the Commission for Children and Young People (CCYP) or Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by a child safety incident or concern, you should:

- obtain the request for information in writing; and
- ensure that the written request includes:
 - the name of the Police officer, the representative of the CCYP or Child Protection worker, the organisation they work for and their contact details
 - a description of the information and/or documents being sought
 - the reasons why the information and/or documents are being sought
 - on what authority the officer/worker or the organisation believes that they have to access the requested information and documents.

When information and/or documents are requested in this way, you may be permitted to share the information. However, you are not compelled to do so. For more information about when and how you may share this information, refer to [Sharing Information Relating to a Student's Safety or Wellbeing](#).

If you receive a request to share information under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic), or under Part 5A of the Family Violence Protection Act 2008 (Vic), the request must be forwarded to the Principal, or the Director of Human Resources. For more information, refer to [Information Sharing under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\) Policy and Procedures](#) and/or [Information Sharing under Part 5A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in Insert Methods of Communication (e.g. newsletters, notice boards, intranet).

They are also available in hard copy by request.

Breach of Confidentiality and Privacy Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, including inappropriate disclosure of information, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Confidentiality and Privacy Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)
- [Responding to and Reporting Child Safety Incidents or Concerns Policies and Procedures](#)
- [Privacy Program](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards, Standard 2](#)
- [Ministerial Order 1359, Clause 6](#)
- [National Catholic Safeguarding Standards, Standard 1](#)
- [EREA Child Safeguarding Standards Framework, Standard 1](#)
- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Worker Screening Act 2020 (Vic)
- Health Records Act 2001 (Vic)
- Privacy Act 1988 (Cth)

Related Forms and Documents

Information Sharing Register

Insert Related Forms/Documents

References and Resources

N/A

Policy Administration

Insert Policy Control/Administration Information

Communicating with Parents-Carers About Internal and External Reports Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Standard 2 of the Victorian Child Safe Standards and Standard 1 of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework require that child safety and wellbeing is embedded in St Patrick's College's leadership, governance and culture. One of the criteria set for this Standard, and one of the requirements of Ministerial Order 1359 to implement it, is that the College's personnel understand their obligations on information sharing.

Further, Standard 4 of the Victorian Child Safe Standards and Standard 3 of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework are about enabling students and families to participate in decisions affecting them/their child. To implement these Standards, Ministerial Order 1359 requires the EREA Board to ensure that families are informed about matters relevant to child safety and wellbeing and that relevant information is accessible.

For many child safety incidents or concerns, it is critical that the student's parents/carers are notified as soon as practicable that an internal report has been received and/or that an external report has been or will be made to the appropriate external authority. This enables the student's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse or other harm
- ensure that their child receives the support that is needed.

For more information, refer to our [Information Sharing \(Child Safeguarding\) Policy and Procedures](#).

However, there are some circumstances where sharing information about the report may not be appropriate.

This Policy and its Procedures set out the College's expectations, policies and procedures for communicating with parents/carers about internal and external reports relating to child safety incidents and concerns.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all staff members.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

Insert Outline of Responsibilities

Mandatory and Non-Mandatory Reports to Child Protection and Police

St Patrick's College's Policy

If a report is made to Child Protection or Police, then before contacting parents/carers the Principal or Senior Child Safeguarding Officer or Boarding School Senior Child Safeguarding Officer must seek advice from Child Protection or Police (depending on who the report has been made to). They will advise whether it is appropriate to contact parents/carers at this stage and if so, what information can be shared with the parents/carers.

Where advised that information about the Mandatory or Non-Mandatory Report can be shared with parents/carers, the Principal or Senior Child Safeguarding Officer or Boarding School Senior Child Safeguarding Officer must make sensitive and professional contact with the parents/carers as soon as possible after the incident, disclosure or suspicion occurred or arose.

Procedures

It may not be appropriate to share some or all information about Mandatory or Non-Mandatory Reports to Child Protection or to Police with parents/carers where:

- the parents/carers are alleged to have engaged in the abuse or other harm
- a disclosure to the parents/carers may subject the student to further abuse or other harm
- the student is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted (refer to [Information Sharing with Consent](#))
- disclosing some, or all, of the information about the report is likely to have an adverse effect on an ongoing investigation into the incident.

For more information, refer to the [Information Sharing_\(Child Safeguarding\)_Policy_and_Procedures](#).

Reportable Conduct Reports

St Patrick's College's Policy

When considering whether to share reportable conduct information, and with whom, the Principal must take into account the factors set out in **Procedures** below.

Ultimately, it is a matter of discretion for the Principal whether it is appropriate in the circumstances to share information about this kind of child safety incident or concern and, if so, what information should be shared and with whom.

Procedures

The parent/carer of a student who is an alleged victim of reportable conduct has a direct interest in being told that their child is an alleged victim and of the nature of the reportable allegation. The parent/carer, and possibly also the student, will also expect to be kept informed of the progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

Special issues may arise with respect to reportable conduct investigations and reports that might require an adjustment to normal information sharing practices. In particular, the range of matters to be considered in making a decision to disclose information about a reportable conduct investigation to a student or their parent/carer will depend on the circumstances.

Relevant factors include:

- whether there are other proceedings underway, such as Police, Child Protection or coronial investigations (in which case consultation must occur with the Police or Child Protection prior to sharing information)
- the nature of the allegations
- the individual circumstances of the alleged victim and their parents/carers
- how much information should be provided
- whether the same information should be provided to all parties
- how the information is to be given to a party
- whether the subject of an allegation has or should be informed that information will be shared
- what support and consultation options are available to all parties following the sharing of the information.

For information about the procedures that the Principal will follow when sharing reportable conduct information, refer to [Information Sharing About Reportable Conduct Investigations Policy and Procedures](#) and [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our public-facing Child Safeguarding Complaints Management Policy and Procedures, which is available on our public website as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Communicating with Parents/Carers Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Communicating with Parents/Carers About Internal and External Reports Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedure Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures](#)

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

General

- [Victorian Child Safe Standards](#), Standards 2 and 4
- [Ministerial Order 1359](#), Clauses 6 and 8
- [National Catholic Safeguarding Standards](#), Standards 1 and 3
- [EREA Child Safeguarding Standards Framework](#), Standards 1 and 3

Reportable Conduct

Under section 16ZB of the Child Wellbeing and Safety Act 2005 (Vic), the “head” of the College, the CCYP or a regulator may disclose:

- information about the progress of the investigation
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation
- action taken in response to those findings

to:

- the child who is the subject of the reportable allegation
- a parent of the child
- a carer of the child (whether or not that person has legal guardianship of the child, for example a grandparent who is caring for the child)
- Child Protection, if the child is under its care, and the child's foster carer.

Related Forms and Documents

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Joint protocol by Department of Health and Human Services, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools [Protecting the Safety and wellbeing of children and young people](#)

Policy Administration

Insert Policy Control/Administration Information

Sharing Information Relating to a Student's Safety or Wellbeing Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

Insert Introductory/Purpose Text

Standard 2 of the Victorian Child Safe Standards and Standard 1 of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework require that child safety and wellbeing is embedded in St Patrick's College's leadership, governance and culture. One of the criteria set for this Standard, and one of the requirements of Ministerial Order 1359 to implement it, is that the College's Staff and Volunteers understand their obligations on information sharing.

St Patrick's College is committed to best practice in information sharing to protect the safety, welfare and wellbeing of children in our care.

Our ability to identify and manage appropriate information sharing is an important aspect of the College's child safe culture and management.

This is done through various information sharing work systems, practices, policies and procedures.

This section of our Child Safeguarding Program sets out how we manage sharing information about students' safety and wellbeing with external people and organisations, parents/carers and the wider College community.

The Policies and Procedures in this Section

The Policies and Procedures in this section of the Child Safeguarding Program are:

- [Information Sharing \(Child Safeguarding\) Policy and Procedures](#)
- [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\) Policy and Procedures](#)
- [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#)
- [Complying with Court Orders \(Information Sharing\) Policy and Procedures](#)
- [Information Sharing Record Keeping Policy and Procedures](#)

Internal information sharing between Staff and with Volunteers and Contractors is managed through our internal College governance structure.

Information Sharing (Child Safeguarding) Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Standard 2 of the Victorian Child Safe Standards and Standard 1 of the National Catholic Safeguarding Standards and the EREA Child Safeguarding Standards Framework require that child safety and wellbeing is embedded in St Patrick's College's leadership, governance and culture. One of the criteria set for this Standard, and one of the requirements of Ministerial Order 1359 to implement it, is that the College's Staff and Volunteers understand their obligations on information sharing.

To meet this requirement, the College must have documented information sharing policies. These policies must ensure that information is treated as confidential and that the sharing or distribution of information is restricted to nominated personnel and conducted in accordance with relevant legislative and statutory requirements.

EREA and St Patrick's College are committed to appropriate information sharing to promote the safety, welfare and wellbeing of children and young people. This commitment is demonstrated through:

- the establishment, implementation and maintenance of this Policy
- the appointment of an Director of Human Resources to oversee this Policy
- training of all Staff, and Direct Contact Volunteers and Direct Contact Contractors about our information sharing procedures
- ensuring our information sharing guidelines are understood by all parents/carers and students
- keeping records of all information sharing requests and how they have been resolved.

This Policy and its Procedures set out the overarching principles, policies and procedures that apply when the College is considering sharing information about a student's safety or wellbeing (Information):

- with anyone, where there is informed consent
- with parents/carers
- with the wider College community
- under a statutory regime or court order
- when sharing the Information is not pursuant to a statutory regime or court order, but where there is no consent.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students

is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

The Principles of Information Sharing

Our Information Sharing (Child Safeguarding) Policy and Procedures are based on the following principles:

- the safety, welfare and wellbeing of children and young people are the primary consideration when making information sharing decisions
- information sharing decisions are made on a case-by-case basis using best interest principles, and are supported by sound risk assessment
- the informed consent of the child, and/or that of their parents/carers, is sought and obtained before sharing Information about a child or their parents/carers, except where to do so would put the child at an increased risk of harm to their safety, welfare or wellbeing
- when Information is shared under this Policy, it is done so respectfully in both verbal and written communication and using STAR best practice
- an adult's wellbeing needs should not compromise a child's safety and wellbeing
- a child's right to privacy must also be managed while sharing Information (for more information, refer to our [Privacy Program](#)).

Scope

This Policy and its Procedures apply to all Staff, Volunteers, and Contractors (together, known as "Staff" or "staff members" for the purposes of this Policy and its Procedures only).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other](#)

Harm.

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Information

For the purposes of this Policy and its Procedures, we refer to information about a student's safety or wellbeing as "Information".

Consent/Informed Consent

In the Information Sharing (Child Safeguarding) Policy and Procedures, we adopt the definition of consent as "a free and voluntary agreement".

For consent to be 'informed consent' certain principles must be fulfilled:

- the person must have the capacity to consent**
- the consent must be voluntary: there should be no coercion and the person is free to give or refuse consent
- the person must be given adequate information, on the issue at hand and the options available, on which to base their decision
- the information is provided in a form appropriate to the person's circumstances, personality, expectations, fears, beliefs, values and cultural background
- there is frank and honest information exchange from both parties
- the person has sufficient time to consider and clarify the issues in order to make an informed decision and
- the information provided and the consent given relate to the specific information sought to be shared.

Consent may be explicit, meaning agreement is given verbally or in writing. Consent may also be implied, meaning Information sharing is inherent to the nature of the service sought.

**As a general principle, a child under the age of 18 has capacity to give informed consent when they have sufficient understanding and maturity to understand what is being proposed.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures:

Authorised Information Sharers

The following people are “authorised information sharers” for the purposes of this Policy and its Procedures:

- the Director of Human Resources

Insert Names/Position Titles of Authorised Information Sharers

Our Director of Human Resources

We have appointed an Director of Human Resources who is responsible for:

- ensuring that all Staff, Direct Contact Volunteers and Direct Contact Contractors are educated about our Information Sharing (Child Safeguarding) Policy and Procedures
- authorising staff members to share Information and approving information sharing under this Policy and its Procedures
- investigating any information sharing complaints or incidents
- supervising Volunteers’ involvement with information sharing
- maintaining accurate records about what Information has been shared and the reasons for sharing the Information
- monitoring the effectiveness of our Information Sharing (Child Safeguarding) Policy and Procedures.

Insert Name and/or Position Title of Information Sharing Manager is our Director of Human Resources.

If an information sharing request is received about the Director of Human Resources, we have appointed Insert Title of Alternate Information Sharing Manager with respect to that information sharing request or proposal.

Information Sharing and Volunteers at the College

Volunteers make substantial contributions at College and are also responsible for maintaining the safety, welfare and wellbeing of children in their care.

The observations of Volunteers in their roles working with children can be highly valuable to information sharing discussions.

A Volunteer's participation in information sharing under this Policy must be conducted under the direct supervision of the Director of Human Resources and never undertaken alone.

St Patrick's College's Policy

1. Who Can Share Information?

Where Information is requested or proposed to be shared under this Policy and its Procedures, only an authorised information sharer may respond. Our authorised information sharers are listed in Roles and Responsibilities, above.

Where a request for Information is made by or to a prescribed entity under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) or under Part 5A of the Family Violence Protection Act 2008 (Vic), only the Principal or the Director of Human Resources can make or respond to this request.

For more information, refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2008 \(Vic\) Policy and Procedures](#) and [Information Sharing Under Part 5 A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#).

2. Who Can Information Be Shared With?

(a) The College can share Information with anyone and for any purpose, with the informed consent of the student or their parent/carer. For more information, refer to Information Sharing with Consent, below.

(b) In all other cases, the College can share Information with anyone who has a legitimate purpose (defined in the Procedures, below) for having the Information, but only if:

- there is a legitimate reason (defined in the Procedures, below) for sharing the Information without consent
- all steps to information sharing are satisfied; and
- where the relevant staff member is not an authorised information sharer under this Policy and its Procedures or under a statutory regime, the Director of Human Resources approves the sharing of the Information.

For more information, refer to Procedures for Sharing Information Without Consent, below.

(c) Information Sharing with Parents/Carers

- While it is important to involve parents/carers in any issues that affect the safety, welfare and wellbeing of their children, Information provided through a confidential information sharing agreement must not be revealed to a parent/carer without the informed consent of the child involved.
- If a child is unable to give informed consent due to insufficient capacity, it is the College's policy to share Information with the parents/carers.

For more information and guidance on situations where Information might not be shared with parents/carers, refer to [Communicating with Parents/Carers About Internal and External Reports Policy and Procedures](#).

(d) Information Sharing Under a Statutory Regime or Court Order

- The College can share Information without the consent of a student or their parent/carer if we are required or otherwise permitted to give Information through a statutory obligation or court order.
- However, when sharing Information under a statutory regime, it is the College's policy to, wherever possible, seek the informed consent of the relevant student and/or their parents/carers.
- Where the Information is to be shared under a statutory regime without consent, the staff member who is managing the information sharing request or proposal (this will usually be the Principal) must follow the Procedures for Sharing Information Without Consent, below.

For more information, refer to [Sharing Information Under Part 6A of the Child Safety and Wellbeing Act 2005 \(Vic\) Policy and Procedures](#), [Sharing Information Under Part 5A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#) and [Complying with Court Orders \(Information Sharing\) Policy and Procedures](#).

(e) Information Sharing with the Wider College Community

The College takes great care to assess the relevance and appropriateness of sharing Information about a child safety incident or concern before providing any information about it to the College community. While the wider College community may have an interest in child safety incidents or concerns, particularly those that involve College events or Staff, Volunteers or Contractors, it is possible that even the confirmation of an incident or allegation can lead to the identification of a victim without their consent.

- Only the Principal or an authorised representative of EREA can disclose Information about a child safety incident or concern to the wider College community.
- When considering the appropriateness of sharing Information, the advice of any investigating agency (such as Police, Child Protection or the CCYP) should be followed.
- Information that may identify the victim of the incident or concern must not be shared with the wider College community without the consent of the victim and/or their parent/carer.

3. What Information Can and Cannot be Shared?

(a) Information about a child, a student aged 18 or over, a person associated with a student at the College (such as parents/carers) and staff members can be shared under this Policy and its Procedures.

(b) Information cannot be shared under this Policy and its Procedures, whether with or without consent, in any situation that would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

For more information, refer to [Confidentiality and Privacy Policy and Procedures](#).

4. Requirements When Sharing Information

Whenever Information is proposed to be shared under this Policy and its Procedures, authorised information sharers **must** follow the Steps to Information Sharing and STAR Best Practice When Sharing Information, below.

5. Information Sharing with Consent

(a) It is the College's policy to seek the informed consent of the student and/or that of their parents/carers, before sharing Information about the student or their parents/carers, except where to do so would put the student at an increased risk of harm to their safety, welfare or wellbeing.

(b) Whether a particular student has the capacity to give informed consent (i.e. whether they have sufficient understanding and maturity) is assessed on a case-by-case basis wherever practicable and reasonable.

(c) If it is not practicable or reasonable for the College to assess the capacity of a student under the age of 18 on a case-by-case basis, the College's policy is to presume:

- that a student aged 15 years or over has capacity to consent, unless there is something to suggest otherwise
- that a student aged under 15 years does not have capacity to give informed consent.

(d) In circumstances where a student lacks the capacity to give informed consent, the College may seek the informed consent of a parent/carer on the student's behalf.

For more information, refer to Procedures for Sharing Information with Informed Consent, below.

6. Complaints about Information Sharing

Complaints about information sharing procedures or requests are processed following the Child Safeguarding Complaints Management Policy and Procedures.

Procedures

Legal Advice

Deciding whether to share Information can be difficult. If you are in an information sharing situation and are unsure of whether the Information can be shared, the College may seek professional legal advice to assist.

Procedures for Sharing Information with Informed Consent

Informed consent in relation to information sharing means that the student and/or the parent/carer understands the purpose of the information sharing request and the likely outcomes of them giving consent.

How to Obtain Informed Consent

Gaining consent can be done using one or more of the following protocols:

1. Explain to the child and/or their parent/carer, why information sharing is important, who is it designed to support and the intended outcomes.
2. Explain what circumstances may arise where Information may be shared without consent. For more information, refer to Step 6 of the Steps to Information Sharing, below, Sharing Information Under Part 6A of the Child Safety and Wellbeing Act 2005 (Vic) Policy and Procedures, Sharing

Information Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy and Procedures and Complying with Court Orders (Information Sharing) Policy and Procedures.

3. Revisit a child's, and/or their parent/carer's, consent if the information sharing being considered is significantly different to the original consent or a significant amount of time has passed since consent was first given.
4. Tailor the explanation approach to take account of children and parents/carers from culturally and linguistically diverse backgrounds or with different cognitive capabilities and communication needs.
5. Ask the child, or their parent/carer, to explain the request in their own words and why they have given or withheld their consent.
6. Gain explicit consent in writing if possible.

Procedures for Sharing Information Without Consent

Under this Policy and its Procedures, Information can be shared without consent if:

- the receiving person or body has a **legitimate purpose** for having the Information
- there is a **legitimate reason** for sharing the Information without consent
- all steps to information sharing are satisfied; and
- the Director of Human Resources approves the sharing of the Information.

What is a Legitimate Purpose?

A legitimate purpose for having the Information may include, but is not limited to:

- where Information is being shared pursuant to a statutory regime, any purpose that is set out in the relevant legislation**
- where Information is being shared pursuant to a court order, any purpose that is related to the relevant court proceedings
- in any other case, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
 - alerting a person or organisation to a child's urgent need for a service, e.g. counselling
 - diverting a child from harming themselves
 - protecting a child from being abused or otherwise harmed or from being at risk of abuse or other harm
 - protecting groups of children from serious or imminent harm
 - protecting College community members from serious or imminent harm
 - protecting other organisations from situations of serious or imminent harm to children.

****Refer to Sharing Information Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy and Procedures and Sharing Information Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy and Procedures for more information about the purposes for which Information may be shared under these two statutory regimes. These are all a 'legitimate purpose' under this Policy.**

What is a Legitimate Reason?

A legitimate reason for sharing Information without consent may include, but is not limited to situations in which:

either:

- the student, or their parent/carer, clearly does not have the capacity to give informed consent; or
- seeking consent would put the child at risk of harm to their safety, welfare or wellbeing;

and

- the sharing of the Information will enable the provision of assistance to or the protection of a child or their family, or a group of children.

Whose Information Can Be Shared Without Consent?

Provided that the above requirements are met, the College may share Information about the following people without their consent:

- children aged under 18 years who are considered to face immediate or anticipated serious threat to their safety, welfare or wellbeing, as well as:
 - any siblings of the child under threat
 - any family member of the child under threat
 - any other person who is a close associate of the child under threat
- teachers who are transferring to another school (irrespective of jurisdiction) or working at another organisation and who may pose a threat to the safety, welfare or wellbeing of children
- non-teaching Staff, including Direct Contact and Regular Volunteers and Direct Contact or Regular Contractors, who may be transferring to or working at another school (irrespective of jurisdiction) or another organisation, and who may pose a threat to the safety, welfare or wellbeing of children
- students transferring to another school who:
 - may have engaged in harmful sexual behaviours that may pose a threat to the safety, welfare or wellbeing of other children; or

- may have particular educational or support needs for their safety, welfare and wellbeing.

How Information Sharing Relates to External Reporting

The Information Sharing (Child Safeguarding) Policy and Procedures support prevention and early intervention in situations where the safety, welfare and wellbeing of children are at risk or suspected to be at risk. Under this Policy, Information may be shared for Non-Mandatory Reporting to Child Protection and for Responding to Other Concerns About the Wellbeing of a Student.

When Information is shared with external agencies under Mandatory Reporting to Child Protection Policy and Procedures, Reporting to Police Policies and Procedures and Reportable Conduct Policies and Procedures, the sharing of that Information should not be viewed as an alternative to information sharing under this Policy and its Procedures, but rather this Policy and its Procedures provide an additional avenue of information sharing once the relevant threshold has been reached. Information about any external report's underlying allegations or concerns can still be shared with other people under this Policy and its Procedures.

For more information, refer to Responding to and Reporting Child Safety Incident or Concerns Policies and Procedures and Communicating with Parents/Carers About Internal and External Reports Policy and Procedures.

Steps to Information Sharing

When an authorised information sharer, whether pursuant to a request or at their own instigation, shares Information on behalf of the College, it is important to follow these steps to information sharing and to use STAR best practice, below, when sharing the Information.

1. Verify the Identity of the Person Receiving the Information

If a person makes an information sharing request to the College or with whom it is proposed to share Information and they are not known to the College, an authorised information sharer must verify the person's identity by:

- calling the individual back at the organisation's number; or
- calling a more senior person in the organisation to verify the identity of the individual.

Verification of the person's identity should be recorded in the information sharing records.

If an authorised information sharer believes that a person has misrepresented themselves when making an information sharing request or receiving Information from the College, this could be an

offence of fraud.

2. Determine the Reasons for Sharing the Information

Information can be shared for any reason, at the request of or with the informed consent of the student or their parent/carer. Refer to Information Sharing with Consent, above.

In all other cases, the College may share Information with anyone who has a legitimate purpose for having the Information. Refer to Information Sharing Without Consent, above.

The reasons for sharing Information could therefore include:

- the student and/or their parent/carer has requested that the Information be shared and has given informed consent
- the Information is being shared pursuant to a court order (refer to Complying with Court Orders (Information Sharing) Policy and Procedures)
- the Information is being shared pursuant to a statutory regime (noting that, if the Information is to be shared without consent, it must be for a legitimate purpose that is set out in the relevant legislation and there must be a legitimate reason for sharing the Information without consent) (refer to Sharing Information Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) and Sharing Information Under Part 5A of the Family Violence Protection Act 2008 (Vic))
- in all other cases, Information may only be shared to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
 - alerting a person or organisation to a child's urgent need for a service e.g. counselling
 - diverting a child from harming themselves
 - protecting a child from being abused or otherwise harmed or from being at risk of abuse or other harm
 - protecting groups of children from serious or imminent harm
 - protecting College community members from serious or imminent harm
 - protecting other organisations from situations of serious or imminent harm to children.

3. Confidential Information

Confidential Information cannot be shared by the College in any situation that would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined

- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

Authorised information sharers must determine whether there is any confidential Information involved in the Information sharing request.

4. Gaining Consent

Authorised information sharers at the College should follow the Procedures and Guiding Information for Gaining Consent, above, with the child and, where appropriate, their parent/carer.

If they cannot or should not seek or obtain consent, authorised information sharers should follow Step 5 and Step 6.

5. Safety and Consent

Authorised information sharers at the College should not seek consent from the child or their parent/carer, if:

- the child or their parent/carer, clearly does not have the capacity to give informed consent; or
- it would put the child at risk of harm to their safety, welfare or wellbeing by seeking that consent.

Examples of situations which may place the child at risk if consent is sought could include when the child may:

- be moved out of reach of the College
- be coached or coerced by other people to cover up harmful behaviour, incidents or evidence
- be at risk of significant harm as a result of having provided consent
- assault or threaten to assault others
- engage in self-harming behaviours.

If an authorised information sharer believes that they are unable to seek consent, whether from a child who otherwise would have the capacity to give informed consent or from a parent/carer, they should also consider whether it is appropriate to make a Mandatory Report to Child Protection or other external report in line with Step 7.

6. Sharing Without Consent

Authorised information sharers at the College should only share Information without consent if the person receiving the Information has a legitimate purpose for having it, there is a legitimate reason for sharing the Information without consent, all steps to information sharing are satisfied the Director of Human Resources approves the sharing of the Information.

Authorised information sharers at the College should refer to Information Sharing Without Consent, above, for guidance on legitimate purpose and legitimate reason.

Gaining approval is outlined in Step 8: Information Sharing Process.

7. External Reporting

All Staff, including authorised information sharers, must comply with their external reporting obligations under [Mandatory Reporting to Child Protection Policy and Procedures](#), [Non-Mandatory Reporting to Child Protection Policy and Procedures](#), [Reporting to Police Policies and Procedures](#) and [Reportable Conduct Policies and Procedures](#) as outlined in this Program.

8. Information Sharing Process

Staff who are not authorised information sharers under this Policy and its Procedures or under a statutory regime should seek approval from the Director of Human Resources before responding to an information sharing request, or before providing Information on their own initiative.

The Director of Human Resources must then document the information sharing request or proposal and their approval on the appropriate Form before any Information is supplied.

For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

9. Record Management Procedures

Our Information Sharing Register in CompliSpace Assurance is designed to capture the key data with respect to any individual information sharing request and track the resolution process.

The Information Sharing Register provides a summary of key data about all information sharing requests that are in the system at any particular point in time.

The Information Sharing Register is reviewed in Principal meetings and key information is provided as necessary to EREA.

For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

STAR Best Practice When Sharing Information

STAR best practice should be used when sharing Information:

(S) SECURE

- Email should not be used for disclosing sensitive Information.
- Instead, Staff should establish the identity of the child via phone or in person, then de-identified documents can be sent via email.

(T) TIMELY

- It is not appropriate to delay sharing Information, as sharing the Information may prevent risks associated with the safety, welfare or wellbeing of a child.
- All Information sharing requests will be dealt with within 14 business days from receiving the request.
- However, when an organisation contacts the College to request Information, the staff member dealing with the information sharing request should ask if the request has emergency status, in which case, the requests must be completed within three business days or as soon as possible.

(A) ACCURATE

- Accurate and up-to-date Information is essential to any information sharing request that affects the safety, welfare and wellbeing of a child.
- Staff who respond to an information sharing request should clearly identify any limitations of the Information in writing to the other party.

(R) RELEVANT

- Staff should only share Information that is relevant for the information sharing request to be met.
- The Information that is shared must be proportionate to the purpose and Staff must not provide unnecessary detail.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary Insert Publication/Communication Methods.

They are also available in hard copy by request.

Breach of Information Sharing Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, including inappropriate disclosure of information, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Information Sharing (Child Safeguarding) Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- [Privacy Program](#)

Insert Related Policies/Procedures

These policies and procedures detail procedures by which information must be shared within the College and, in specific circumstances, with other external authorities and agencies.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 2
- [Ministerial Order 1359](#), Clause 6
- [National Catholic Safeguarding Standards](#), Standard 1
- [EREA Child Safeguarding Standards Framework](#), Standard 1

Related Forms and Documents

Insert Information Sharing Form

Information Sharing Register

Insert Related Forms/Documents

References and Resources

- [Child Information Sharing Ministerial Guidelines](#)
- [Family Violence Information Sharing Ministerial Guidelines](#)
- [Office of the Commissioner for Privacy and Data Protection, Guidelines for Sharing Personal Information](#), 2016

Policy Administration

Insert Policy Control/Administration Information

Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The College may, or in some cases must, share information relating to the safety and wellbeing of children with specific agencies or people.

Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) and the Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic) (Child Information Sharing Regulations) establish a statutory information sharing regime, called the Child Information Sharing Scheme (CIS Scheme).

The CIS Scheme prioritises the sharing of information, to ensure the protection and wellbeing of children and young people, over the protection of an individual's privacy and confidentiality.

Under the CIS Scheme, despite laws that would normally prohibit or restrict the disclosure of personal information, organisations and services that are prescribed as an "information sharing entity" (ISE) must share confidential information relating to the safety and wellbeing of a child (Child Information) with other ISEs when requested to do so by the ISE.

Part 6A of the CWS Act also permits ISEs to voluntarily disclose to other ISEs confidential information about any person, for the purpose of promoting the wellbeing or safety of a child or group of children.

It also permits ISEs to disclose confidential information to a child, or to a parent or carer of the child, for the purpose of managing a risk to the child's safety.

The CIS Scheme does not affect reporting obligations created under other legislation, such as Mandatory Reporting to Child Protection.

It also does not prevent or limit the College from using or disclosing Child Information if it is required or permitted to do so by or under any other Act or law, for example, to fulfil Reportable Conduct obligations and Non-Mandatory Reporting/Reporting to Police obligations.

This Policy and its Procedures, together with the [Child Information Sharing Ministerial Guidelines](#), set out how Staff must handle Child Information and how the College must apply the legislative principles of the CIS Scheme.

Interaction of the CIS Scheme and the Family Violence Information Sharing (FVIS) Scheme

The CIS Scheme and the Family Violence Information Sharing Scheme (FVIS Scheme) complement each other. Both Schemes enable certain organisations and services to share information to respond to the range of needs and risks facing children and families. Both Schemes prioritise the sharing of information to promote a child's safety over the privacy of any person.

As an ISE under both Schemes, the College must comply with both the CIS Scheme and the FVIS Scheme.

While the purposes for which information may be shared differ between the Schemes, when a child is affected by family violence there will be substantial overlap between the CIS Scheme and the FVIS Scheme. In these cases, it may be that the College will be sharing information with some ISEs under the CIS Scheme and with different ISEs under the FVIS Scheme, or it could be that the College will be sharing different information with a single ISE under each Scheme.

Overlap between the Schemes is particularly likely when:

- a student who is aged under 18 is the victim of family violence (including by being exposed to family violence between other family members) (called a "child victim survivor" in the FVIS Ministerial Guidelines)
- a student who is aged under 18 is believed or suspected to be a perpetrator of family violence, whether against a family member or against a person (including another student) with whom they are or were in an intimate personal relationship (called an "adolescent who uses violence" in the FVIS Ministerial Guidelines).

For more information, refer to [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\) Policy and Procedures](#) and Chapters 5 and 6 of the [Family Violence Information Sharing Ministerial Guidelines](#).

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students

is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Child Information Sharing Scheme Principles

The legislative principles that guide the sharing of Child Information under the CIS Scheme are set out in section 41U of the CWS Act. They are that ISEs should:

- give precedence to the wellbeing and safety of a child or group of children over the right to privacy
- seek to preserve and promote positive relationships between a child and the child's family members and people significant in the child's life
- seek to maintain constructive and respectful engagement with children and their families
- be respectful of, and have regard to, a child's social, individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing
- promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both
- seek and take into account the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so
- take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence
- only share confidential Information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children
- work collaboratively in a manner that respects the functions and expertise of each information sharing entity.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together known as "Staff" or "staff members" for the purposes of this Policy and its Procedures only).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions,

interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Child Information/Confidential Information

The CIS Scheme permits the sharing of “confidential information relevant to the safety or wellbeing of a child or group of children”.

Section 3 of the CWS Act defines “confidential information” as:

- health information (which is defined in the Health Records Act 2001 (Vic)); or
- personal information, including sensitive information (which are defined in the Privacy and Data Protection Act 2014 (Vic)); or
- unique identifiers (which is defined in the Privacy and Data Protection Act 2014 (Vic)); or
- identifiers (which is defined in the Health Records Act 2001 (Vic)).

For the purposes of this Policy and its Procedures, we refer to confidential information relevant to the safety and wellbeing of a child or group of children as “Child Information”.

Excluded Information

Under section 41Q of the CWS Act and the [Child Information Sharing Scheme Ministerial Guidelines](#), Child Information is “excluded information” if the collection, use or disclosure of the Information could be reasonably expected to do any of the following:

- endanger a person’s life or result in physical injury – this includes to the child, their family or any other person. For example, if sharing the location of a child could be reasonably expected to pose a threat to the life or physical safety of the child or another person, this Information must not be shared.
- prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law. For example, Information that could unfairly

influence or reveal details of a Police investigation or a Commission for Children and Young People investigation.

- prejudice a coronial inquest or inquiry. For example, Information that could unduly influence a witness expected to give evidence before a coronial inquest.
- prejudice the fair trial of a person or the impartial adjudication of a particular case. For example, Information that could unfairly influence the outcome of a proceeding
- disclose the contents of a document, or a communication, that is of such a nature that the contents of the document, or the communication, would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege
- disclose or enable a person to ascertain the identity of a confidential source of information in relation to the enforcement or administration of the law. For example, Child Information could reveal or be used to reveal the name of a person who has confidentially provided information to Police.
- contravene a court order or a provision made by or under the CWS Act or any other Act that prohibits or restricts the publication or other disclosure of information for or in connection with any proceeding, or requires or authorises a court or tribunal to close any proceeding to the public. For example, if Child Information is part of a closed court proceeding.
- be contrary to the public interest. For example, Child Information that could reveal covert investigative techniques.

For the purposes of this Policy and its Procedures, Excluded Information is Child Information that must not be shared by an ISE, whether in response to a request from another ISE or on its own initiative without a request.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

The Director of Human Resources and the Principal are the College's authorised representative for the purposes of sharing Child Information with, or requesting Child Information from, other ISEs on behalf of the College.

Where the Child Information relates to the Principal, the EREA Director is the College's authorised representative and is responsible for recording, investigating and managing requests for or proposals to share Child Information under this Policy and its Procedures. Therefore, any such requests or proposals should be directed to them.

References to the Principal in this Policy and its Procedures therefore include the Director of Human Resources and, the EREA Director when they are managing the sharing of Information in relation to the Principal.

St Patrick's College's Policy

1. Information Sharing Under the CIS Scheme

- (a) The College will comply with all Part 6A requests for Child Information (other than Excluded Information) by other ISEs whenever the College has formed the required reasonable belief. For more information, refer to Grounds for Sharing Information Between ISEs, below.
- (b) The College will voluntarily share Child Information (other than Excluded Information) with other ISEs under Part 6A of the CWS Act whenever the College has formed the required reasonable belief, and regardless of whether the other ISE has requested the Child Information. For more information, refer to Grounds for Sharing Information Between ISEs, below.
- (c) The College will share Child Information (other than Excluded Information) with a child or their parent or carer whenever the College considers that doing so is necessary to manage a risk to the child's safety. For more information, refer to Information Sharing with the Child, their Parent/Carer and Other People, below.
- (d) The College will refuse to disclose Child Information to a person (including a staff member, Volunteer, Contractor, student or a student's parent/carer) whenever the College reasonably believes that giving the person access to the Child Information would increase a risk to the safety of a child or group of children. For more information, refer to our [Privacy Program](#).
- (e) The College will follow the Child Information Sharing Scheme Ministerial Guidelines, the Child Information Sharing Scheme Principles, the Principles of Information Sharing, and STAR best practice whenever Child Information is to be shared under this Policy. For more information, refer to the [Information Sharing \(Child Safeguarding\) Policy and Procedures](#).

2. Consent to Information Sharing Under the CIS Scheme

- (a) The College can share Child Information with, or seek Child Information from, another ISE under Part 6A of the CWS Act without the consent of the child or their family. However, it is the College's policy that:
- wherever appropriate, safe and reasonable to do so, informed consent to the proposed information sharing is sought from the child or young person and/or their parents/carers

- where it is not possible to obtain informed consent, the child's and/or their parents/carers views will be sought prior to the proposed information sharing, provided that it is appropriate, safe and reasonable to do so
- at enrolment, parents/carers are informed that Child Information about students may be, or is, provided to other organisations.

For more information, refer to [Information Sharing with Consent](#).

(b) It is the College's policy to follow the [Child Information Sharing Scheme Ministerial Guidelines](#) when seeking the informed consent, or otherwise seeking the views, of a child or family member about information sharing.

3. Complaints About Information Sharing

Complaints about the College's performance of its information sharing functions under the CWS Act are managed following the [Child Safeguarding Complaints Management Policy and Procedures](#).

Procedures

Who is an ISE under the Child Information Sharing Scheme?

The College is an ISE.

The list of other ISEs prescribed under regulation 5 and Schedule 1 of the Child Information Sharing Regulations is extensive.

It includes services that work with children, young people and families, such as government and non-government schools, family violence services, alcohol and other drug services, homelessness services, mental health services, community health centres, registered general medical practitioners/nurses and out of home care services.

It also includes government agencies and regulatory bodies such as Child Protection, Youth Justice, Maternal and Child Health, Victoria Police, the Commission for Children and Young People, the Disability Services Commissioner, the Victorian Institute of Teaching and the Victorian Registrations and Qualifications Authority.

All ISEs can access an [online ISE list](#) which is a database that can be used to identify other ISEs. For information on how to use the online ISE list refer to the [ISE List User Guide](#).

For more information about ISEs, see Appendix 2 of the [Child Information Sharing Scheme Ministerial Guidelines](#).

Grounds for Sharing Child Information Between ISEs

If the grounds for sharing Child Information are met, an ISE:

- may make a request for Child Information to another ISE;
- must disclose relevant Child Information (other than Excluded Information) to another ISE, if requested; and
- may disclose Child Information (other than Excluded Information) voluntarily (without a request) to other ISEs.

ISEs may share Child Information if:

- where the ISE is requesting or disclosing Information about any person, the request or disclosure is made for the purpose of promoting the wellbeing or safety of a child or group of children; and
- the disclosing ISE reasonably believes that sharing the Information may assist the receiving ISE to carry out one or more of the following activities:
 - making a decision, an assessment or a plan relating to a child or group of children
 - initiating or conducting an investigation relating to a child or group of children
 - providing a service relating to a child or group of children
 - managing any risk to a child or group of children; and
- the Information being disclosed or requested is not known to be Excluded Information (and is not restricted from sharing by another law).

Further guidance about the collection, use or disclosure of Child Information under Part 6A of the CWS Act can be found in Chapter 1 of the [Child Information Sharing Scheme Ministerial Guidelines](#).

Information that Cannot Be Shared

ISEs must not, under the CIS Scheme, disclose Excluded Information to another ISE or to a child or their parent/carer.

ISEs also must not, under the CIS Scheme, share Child Information that is known to be restricted under another law. Refer to Chapter 4 of the [Child Information Sharing Scheme Ministerial Guidelines](#) for more information.

Procedure for Making a Request for Child Information to an ISE

Where a staff member wishes to request Child Information from another ISE under section 41W of the CWS Act, they must make the request to the Principal, who will consider whether or not to make the request for Information to the other ISE.

The Principal must determine whether:

- they reasonably believe that obtaining the Child Information is for the purpose of promoting the wellbeing or safety of a child or group of children; and
- they reasonably believe that receiving the Child Information would assist the College to do one of the following:
 - make a decision, an assessment or a plan relating to a child or group of children
 - initiate or conduct an investigation relating to a child or group of children
 - provide a service relating to a child or group of children
 - manage any risk to a child or group of children; and
- the Information being requested is Excluded Information or is otherwise restricted from sharing by another law.

If the Principal decides to request the Child Information from the other ISE then, before making the request, they should first try to contact the ISE by phone to discuss the ISE's information needs and ensure that the request is well targeted. Then, the Principal should request, in writing, that the Child Information be provided to the College. The written request must contain sufficient information to enable the ISE to consider the request.

The request for Child Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Responding to an Information Request from an ISE

When the College receives a request for Child Information from another ISE, the following steps must be followed:

- if the request is received by a person other than the Principal, the request must be forwarded to the Principal (or to the EREA Director if the requested Child Information relates to the Principal)
- the Principal must consider whether the request contains sufficient information to determine whether disclosing the Child Information is for the purpose of promoting the wellbeing or safety of a child or group of children, and whether they reasonably believe that the Child Information would assist the recipient of the Child Information to:
 - make a decision, an assessment or a plan relating to a child or group of children

- initiate or conduct an investigation relating to a child or group of children
- provide a service relating to a child or group of children
- manage any risk to a child or group of children
- if sufficient information to make these determinations has not been given by the other ISE, the Principal may seek further information from the ISE or may decline the request
- if sufficient information has been given and the grounds for sharing the Child Information are met, the Principal must:
 - comply with the request and provide the Child Information to the ISE in accordance with section 41W(3); or
 - decline to comply with the request if the Child Information is Excluded Information or otherwise restricted from disclosure by another law.

If the Principal declines to provide Child Information in response to a request made under section 41W, they must record the request and why it was refused and provide these reasons to the requesting ISE in writing. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

If a determination is made that the Child Information must be shared, the Child Information may be shared verbally or in writing. The sharing of the Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Providing Information to an ISE Without a Request

If a staff member proposes that Child Information should be shared with another ISE without a request having been made, this proposal must be put to the Principal for their consideration and action.

The Principal must determine whether they reasonably believe that:

- disclosing the Child Information is for purpose of promoting the wellbeing or safety of a child or group of children; and
- the provision of the Child Information would assist the proposed recipient to do one of the following:
 - make a decision, an assessment or a plan relating to a child or group of children
 - initiate or conduct an investigation relating to a child or group of children
 - provide a service relating to a child or group of children
 - manage any risk to a child or group of children.

If the grounds for information sharing are met, it is the College's policy that the Principal must share the Child Information unless the Child Information is Excluded Information or otherwise restricted from disclosure by another law.

The Child Information may be shared verbally or in writing.

The sharing of the Child Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Responding to a Request from an Individual for Their Own Child Information

Requests by a person (including a staff member, Volunteer, Contractor, student or a student's parent/carer) to access their own personal information are usually managed by the Privacy Officer. For more information, refer to our [Privacy Program](#).

However, where a person requests access to personal information that is Child Information covered by this Policy and its Procedures, the request to access the Child Information must be referred to the Principal (or if the request is made by the Principal, to the EREA Director) for a decision about whether or not the Child Information should be disclosed to the individual.

If:

- the person seeking access is a student or their parent/carer; and
- the Principal reasonably believes that disclosing the Child Information:
 - is necessary to manage a risk to the child's safety; and
 - does not present a risk to the safety of a child or group of children,

it is the College's policy that the Principal must share the Child Information unless the Child Information is Excluded Information or otherwise restricted from disclosure by another law.

The Child Information may be shared verbally or in writing.

The sharing of the Child Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

If the Principal reasonably believes that giving a person access to their own Child Information would increase a risk to the safety of a child or group of children, it is the College's policy that the Principal must refuse to disclose the Child Information to the person. For more information, refer to our [Privacy Program](#).

If the Principal declines to give a person access to their own Child Information, they must record the request and why it was refused. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

[Record Keeping Requirements Under the Child Information Sharing Scheme](#)

Section 41ZC of the CWS Act requires the College to keep records of information sharing requests and disclosures. Section 7 of the Child Information Sharing Regulations prescribes the information that must be recorded.

For more information about how the College documents information sharing requests and disclosures, refer to [Information Sharing Record Keeping Policy and Procedures](#).

The College must take reasonable steps to protect these records against loss, misuse and unauthorised access, modification or disclosure. The College must also ensure that Information is managed securely to avoid the risk of intentional or unintentional privacy breaches. For more information, refer to [Confidentiality and Privacy Policy and Procedures](#).

Further guidance about information sharing record keeping is in Chapter 5 of [Child Information Sharing Scheme Ministerial Guidelines](#).

[Complaints Under the Child Information Sharing Scheme](#)

An ISE may make a complaint to another ISE about how the other ISE has undertaken any activities under the CIS Scheme, including where a request for Child Information has not been fulfilled.

If such a complaint is made to the College, the College must record:

- the date that the complaint was made and received
- the nature of the complaint
- any action that was taken to resolve the complaint
- any necessary action that has been taken to prevent, or lessen, the risk of further similar complaints by addressing the reasons for the complaint
- the time taken to resolve the complaint; and
- if the College was unable to resolve the complaint, what (if any) further action was taken by the College.

For more information about how the College manages and records complaints (including complaints about its information sharing functions under the CWS Act), refer to our [Complaints Handling Program](#).

Protection from Liability

If any person who is authorised to share Child Information under Part 6A of the CWS Act, acting in good faith and with reasonable care, shares Child Information in accordance with the CWS Act, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such Information. The person cannot be in breach of any code of professional etiquette or ethics or be considered to have departed from any accepted standards of professional conduct.

Generally, a person may be considered to have acted in good faith and reasonable care when they can demonstrate that they:

- shared the Information in accordance with their obligations, functions and authorisations
- intended for the Information to be shared for the purpose of promoting the wellbeing and safety of a child and not for another purpose
- did not act maliciously, recklessly or negligently when exercising their power to share information.

Restriction on Use of Information

If any Child Information is provided to the College under Part 6A of the CWS Act, the College must not, except as otherwise required or permitted by any law, use or disclose the Child Information for any purpose that is not associated with the safety, welfare or wellbeing of the child (or class of children) to whom the Child Information relates.

Offences

Offences and penalties may apply if Child Information is shared in ways that are not permitted under Part 6A of the CWS Act:

1. The offence of unauthorised use or disclosure of confidential information includes a significant fine for a person or body corporate (section 41ZK). It is a defence if the person used or disclosed the Child Information in good faith and with reasonable care (section 41ZK(2)).
2. The offence of intentional or reckless unauthorised use or disclosure includes penalties of imprisonment of up to five years and/or a significant fine for an individual or a body corporate (section 41ZL).

These two offences do not apply in the following circumstances:

- to a child or their parents or people living with a child who has/have been provided with Child Information by an ISE for the purposes of managing a risk to the safety of the child under the

scheme

- use or disclosure is made with the consent of the person to whom the Child Information relates
- if the person to whom the Child Information relates is incapable of giving consent to the use or disclosure, a use or disclosure made with the consent of the person's authorised representative
- disclosure made to a court or tribunal in the course of legal proceedings or made pursuant to an order of a court or tribunal
- a use or disclosure made to the extent reasonably required to enable the investigation or the enforcement of law
- disclosure made to an Australian legal practitioner for the purposes of obtaining legal advice or representation
- use or disclosure made as required or authorised by the CWS Act or any another Act.

The offence of falsely claiming to be an ISE or an authorised representative of an ISE – or knowingly allowing someone else to believe that you are – includes a significant fine for a person or body corporate (section 41ZM). It is a defence if the person reasonably believes that there is authorisation by the ISE.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in Insert Publication/Communication Methods.

They are also available in hard copy by request.

Breach of Information Sharing Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, inappropriate disclosure of Information, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties

- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)

Insert Related Policies/Procedures

These policies and procedures detail procedures by which information must be shared within the College and, in specific circumstances, with other external authorities and agencies.

Source of Obligation and Related Legislative Instruments

The College, as a non-government school, is a prescribed ISE under regulation 5 and Schedule 1 of the Child Information Sharing Regulations.

Mandatory Information Sharing with ISEs

Under section 41W of the CWS Act, an ISE may make a request for Child Information from another ISE for the purpose of promoting the wellbeing or safety of a child or group of children. The ISE to whom

the request is made **must** disclose the requested Child Information (other than Excluded Child Information) if:

- the disclosure is made for the purpose of promoting the wellbeing or safety of a child or group of children; and
- the ISE reasonably believes that the disclosure may assist the receiving ISE to carry out decisions, assessments, plans, an investigation, provide a service or manage risks to a child or group of children.

Voluntary Information Sharing with ISEs

Under section 41V of the CWS Act, an ISE **may voluntarily** share Child Information with another ISE, on its own initiative, if:

- the disclosure of the Child Information is made for the purpose of promoting the wellbeing or safety of a child or group of children; and
- the College reasonably believes that the disclosure may assist the receiving ISE to carry out decisions, assessments, plans, an investigation, provide a service or manage risks to a child or children.

Information Sharing with the Child, their Parent/Carer and Other People

Under section 41Y of the CWS Act, an ISE **may** disclose Child Information to a child, a person who has parental responsibility for the child or a person with whom the child is living, for the purpose of managing a risk to the child's safety.

The person to whom the Child Information has been disclosed must not use or disclose that Information except for the purpose of managing the risk to the child's safety.

Under privacy law, any person may seek their own personal information (including Child Information covered by this Policy) from St Patrick's College. In the usual circumstances, the College is required to give that person access to their own personal information. However, under section 41ZF of the CWS Act, the College **may** refuse to give a person access to their Child Information if it believes on reasonable grounds that giving the person access to the Child Information would increase a risk to the safety of a child or group of children.

For more information about sharing Information with children and parents/carers, refer to [Communicating with Parents/Carers about Internal and External Reports Policy and Procedures](#),

[Information Sharing about Reportable Conduct Investigations: Guiding Information](#) and our [Privacy Program](#).

Related Forms and Documents

Insert Information Sharing Form

Information Sharing Register

Insert Related Forms/Documents

References and Resources

- [Child Information Sharing Ministerial Guidelines](#)
- [Office of the Commissioner for Privacy and Data Protection, Guidelines for Sharing Personal Information, 2016](#)

Policy Administration

Insert Policy Control/Administration Information

Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The College may, or in some cases must, share information relating to perpetrators/alleged perpetrators and victim survivors of family violence, as well as other relevant people, with specific agencies or people.

Part 5A of the Family Violence Protection Act 2008 (Vic) (FVP Act) and the Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic) (FV Information Sharing Regulations) establish a statutory information sharing regime, called the Family Violence Information Sharing Scheme (FVIS Scheme).

The FVIS Scheme prioritises the sharing of information to keep perpetrators of family violence in view and to promote the safety of victim survivors of family violence, over the privacy and confidentiality of perpetrators/alleged perpetrators. It also prioritises the safety of child victim survivors over the privacy and confidentiality of any adult.

Under the FVIS Scheme, despite laws that would normally prohibit or restrict the disclosure of personal information, organisations and services that are prescribed as an “information sharing entity” (ISE) must share confidential information about a victim survivor, perpetrator/alleged perpetrator of family violence or a linked person, that is relevant to assessing or managing a family violence risk, (FV Information) with other ISEs:

- when requested to do so by an ISE that is a Risk Assessment Entity (RAE), for family violence assessment purposes
- when requested to do so by another ISE, for family violence protection purposes.

Part 5A of the FVP Act also permits ISEs to voluntarily disclose to other ISEs FV Information about a victim survivor, perpetrator/alleged perpetrator or linked person, for the same purposes.

It also permits ISEs to disclose a perpetrator’s FV Information to a victim survivor (or, if the victim survivor is a child, to their parent provided they are not a perpetrator) for the purpose of managing a risk to the victim survivor’s safety.

The FVIS Scheme does not affect reporting obligations created under other legislation, such as Mandatory Reporting to Child Protection.

It also does not prevent or limit the College from using or disclosing FV Information if it is required or permitted to do so by or under any other Act or law, for example, to fulfil Reportable Conduct obligations and Non-Mandatory Reporting/Reporting to Police obligations.

In the College context, sharing FV Information under the FVIS Scheme is likely to mostly come up in situations where:

- a student is the victim of family violence, including by being exposed to family violence between other family members or by being subjected to family violence by a family member or by a person (including another student) with whom the student is or was in an intimate personal relationship
- a student is believed or suspected to be a perpetrator of family violence, whether against a family member or against a person (including another student) with whom they are or were in an intimate personal relationship
- the College is concerned that giving a person access to their own personal FV Information would increase a risk to a student's safety or that of their family members from family violence.

This Policy and its Procedures, together with the [Family Violence Information Sharing Ministerial Guidelines](#) (FV Ministerial Guidelines), set out how Staff must handle FV Information and how the College must apply the legislative principles of the FVIS Scheme.

Interaction of the FVIS Scheme and the Child Information Sharing (CIS) Scheme

The FVIS Scheme and the Child Information Sharing Scheme (CIS Scheme) complement each other. Both Schemes enable certain organisations and services to share information to respond to the range of needs and risks facing children and families. Both Schemes prioritise the sharing of information to promote a child's safety over the privacy of any person.

As an ISE under both Schemes, the College must comply with both the FVIS Scheme and the CIS Scheme.

While the purposes for which information may be shared differ between the Schemes, when a child is affected by family violence there will be substantial overlap between the FVIS Scheme and the CIS Scheme. In these cases, it may be that the College will be sharing information with some ISEs under the CIS Scheme and with different ISEs under the FVIS Scheme, or it could be that the College will be sharing different information with a single ISE under each Scheme.

Overlap between the Schemes is particularly likely when:

- a student who is aged under 18 is the victim of family violence (including by being exposed to family violence between other family members) (called a "child victim survivor" in the Ministerial Guidelines)

- a student who is aged under 18 is believed or suspected to be a perpetrator of family violence, whether against a family member or against a person (including another student) with whom they are or were in an intimate personal relationship (called an “adolescent who uses violence” in the Ministerial Guidelines).

For more information, refer to Sharing Information Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy and Procedures and Chapters 5 and 6 of the [FV Ministerial Guidelines](#).

Principles

All children and young people who come to St Patrick’s College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick’s College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Family Violence Information Sharing Scheme Principles

The legislative principles that guide the sharing of FV Information under the FVIS Scheme are set out in section 144J of the FVP Act. They are that ISEs should:

- work collaboratively to coordinate services in a manner that respects the functions and expertise of each ISE
- give precedence to the right to be safe from family violence over the right to privacy
- only collect, use or disclose a person’s confidential FV information to the extent necessary to:
 - assess or manage risk to the safety of a person from family violence
 - hold perpetrators of family violence accountable for their actions
- collect, use or disclose the confidential FV Information of a person who identifies as Aboriginal or Torres Strait Islander in a manner that:
 - promotes the right to self-determination and is culturally sensitive
 - considers the person’s familial and community connections
- have regard to and be respectful of a person’s cultural, sexual and gender identity and religious faith.

In addition, when collecting, using and disclosing FV Information relating to a child (a person aged under 18), ISEs should:

- promote the agency of the child and other family members at risk of family violence by ensuring that their wishes are taken into account (having regard to the appropriateness of doing so and the child's age and maturity)
- if the collection, use and disclosure of the FV Information includes the confidential information of other family members at risk of family violence, take all reasonable steps to ensure that the FV Information is collected, used and disclosed in a way that:
 - plans for the safety of those family members
 - recognises the desirability of preserving and promoting positive relationships between those family members and the child.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together known as "Staff" or "staff members" for the purposes of this Policy and its Procedures only).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

FV Information/Confidential Information

The FVIS Scheme permits the sharing of "confidential information" that is relevant to assessing or managing a family violence risk.

Section 144A of the FVP Act defines "confidential information" as:

- health information (which is defined in the Health Records Act 2001 (Vic)); or

- personal information, including sensitive information (which are defined in the Privacy and Data Protection Act 2014 (Vic)); or
- unique identifiers (which is defined in the Privacy and Data Protection Act 2014 (Vic)); or
- identifiers (which is defined in the Health Records Act 2001 (Vic)).

For the purposes of this Policy and its Procedures, we refer to confidential information that is relevant to assessing or managing a family violence risk as “FV Information”. FV Information may be about a victim survivor, a perpetrator, an alleged perpetrator or a linked person.

Excluded Information

Under section 144C of the FVP Act, and as described in the [FV Ministerial Guidelines](#), FV Information is “excluded information” if it is prescribed as such by the FV Information Sharing Regulations, or if the collection, use or disclosure of the FV Information could be reasonably expected to do any of the following:

- endanger a person’s life or result in physical injury. For example, if sharing the address of a victim survivor with a particular ISE could alert a person, who is known to pose a threat, of their whereabouts, then this FV Information should not be shared.
- prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law. For example, FV Information that could reveal details of a Police investigation.
- prejudice a coronial inquest or inquiry. For example, FV Information that could unduly influence a witness expected to give evidence before a coronial inquest.
- prejudice the fair trial of a person or the impartial adjudication of a particular case. For example, FV Information that was cited in evidence during a closed session of court.
- disclose the contents of a document, or a communication, that is of such a nature that the contents of the document, or the communication, would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege
- disclose or enable a person to ascertain the identity of a confidential source of information in relation to the enforcement or administration of the law. For example, where certain FV Information is known only to a particular person, their identity as a confidential source could be ascertained if that FV Information was shared.
- contravene a court order or a provision made by or under the FVP Act or any other Act that prohibits or restricts the publication or other disclosure of information for or in connection with any proceeding, or requires or authorises a court or tribunal to close any proceeding to the public. For example, FV Information about proceedings that took place in a closed court.

- be contrary to the public interest. For example, FV Information that could reveal covert investigative techniques.

For the purposes of this Policy and its Procedures, we refer to FV Information that must not be shared by an ISE, whether in response to a request from another ISE or on its own initiative without a request, as Excluded Information.

Family Violence

Under section 5 of the FVP Act, family violence is defined as behaviour by a person towards a family member of that person that:

- is physically or sexually abusive
- is emotionally or psychologically abusive
- is threatening
- is coercive
- in any way, controls or dominates the family member and causes the family member to feel fear for their safety or wellbeing or that of another person
- causes a child to hear or witness or otherwise be exposed to the effects of any of the above behaviours.

A family member is defined in section 8 of the FVP Act as a person who:

- is or has been the perpetrator's spouse or partner
- is or has been in an intimate personal relationship with the perpetrator
- is or has been a relative of the perpetrator
- is a child who normally or regularly resides with the perpetrator or who has previously resided with the perpetrator on a normal or regular basis
- is a child of a person who has or has had an intimate personal relationship with the perpetrator.

For more information, refer to [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Family Violence Assessment Purpose

Under the FVIS Scheme, an ISE that is prescribed as an RAE can seek from another ISE, or be voluntarily provided by another ISE with, FV Information about victim survivors, perpetrators, alleged perpetrators or linked persons for family violence assessment purposes.

A family violence assessment purpose is defined in section 144A of the FVP Act as the purpose of establishing or assessing the risk of:

- a person committing family violence; or
- a person being subjected to family violence.

This includes establishing who is the person committing the family violence and/or who is being subjected to family violence and assessing the risk of family violence being committed.

Family Violence Protection Purpose

Under the FVIS Scheme, an ISE can seek from another ISE, or be voluntarily provided by another ISE with, FV Information about victim survivors, perpetrators and linked persons for family violence protection purposes.

ISEs can also share a perpetrator's FV Information with a victim survivor (or a parent of a child victim survivor) for a family violence protection purpose.

A family violence protection purpose is defined in section 144A of the FVP Act as the purpose of managing a risk of:

- a person committing family violence, as well as an ongoing assessment of the risk of the person committing family violence
- a person being subjected to family violence, as well as an ongoing assessment of the risk of the person being subjected to family violence.

Linked Person

Under the FVIS Scheme, ISEs can share the FV Information not only of victim survivors, perpetrators and alleged perpetrators, but also of linked persons.

A linked person is defined in section 144A of the FVP Act as any person whose confidential information is relevant to a family violence assessment purpose or a family violence protection person but who is not otherwise a victim survivor, a perpetrator or an alleged perpetrator.

Linked persons could include previous partners, friends, acquaintances, neighbours or associates of a victim survivor, perpetrator or alleged perpetrator.

Perpetrator/Alleged Perpetrator

It is important to understand the difference between "perpetrators" and "alleged perpetrators", because ISEs can only share an alleged perpetrator's FV Information with an RAE and only for a family violence assessment purpose. ISEs can share a perpetrator's FV Information, on the other

hand, with RAEs for family violence assessment purposes as well as with other ISEs for family violence protection purposes. A perpetrator's FV Information can also be shared with a victim survivor (or the parent of a child victim survivor) for family violence protection purposes.

The [FV Ministerial Guidelines](#) define a perpetrator as a person who an ISE reasonably believes may commit family violence. This reasonable belief should be identified by undertaking a [MARAM Framework](#) risk assessment. In the FVP Act, a perpetrator is called a "person of concern".

The FV Ministerial Guidelines say that a person may be an alleged perpetrator if an ISE has limited information but there is a suspicion that the person poses a risk of committing family violence. This includes, but is not limited to, the following situations:

- where a victim survivor has physical injuries consistent with, but does not disclose that they are a result of, family violence
- where a victim survivor discloses family violence but does not identify the perpetrator
- where the Police apply for a family violence intervention order, even though the victim survivor wishes to revoke it and states there is no family violence
- where an ISE suspects that a client (or, in the case of the College, a student or a family member of a student) is perpetrating family violence but the client/student/family member denies the use of violence
- where a person is acting in a controlling and aggressive manner towards a family member
- where some [MARAM Framework](#) risk factors have been identified but more information is needed
- where a child expresses fear of one or both of their parents, without providing further information.

In the FVP Act, an alleged perpetrator is called a "person who is alleged to pose a risk of family violence".

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this policy and procedure.

The Director of Human Resources and the Principal are the College's authorised representative for the purposes of sharing FV Information with, or requesting FV Information from, other ISEs on behalf of the College.

Where the FV Information relates to the Principal, the EREA Director is the College's authorised representative and is responsible for recording, investigating and managing requests for or proposals to share FV Information under this Policy and its Procedures. Therefore, any such requests or proposals should be directed to them.

References to the Principal in this Policy and its Procedures therefore include the Director of Human Resources and the EREA Director when they are managing the sharing of FV Information in relation to the Principal.

St Patrick's College's Policy

1. The College will comply with all Part 5A requests for FV Information (other than Excluded Information) by RAEs for a family violence assessment purpose, unless a relevant consent is required and has not been given. For more information, refer to Consent Thresholds for Information Sharing Under the FVIS Scheme, below.
2. The College will comply with all Part 5A requests for FV Information (other than Excluded Information) by other ISEs for a family violence protection purpose, unless:
 - the College reasonably believes that the disclosure of the relevant FV Information is not necessary for a family violence protection purpose (for more information, refer to Grounds for Information Sharing Between ISEs, below)
 - a relevant consent is required and has not been given (for more information, refer to Consent Thresholds for Information Sharing Under the FVIS Scheme, below).
3. The College will voluntarily share FV Information (other than Excluded Information) with other ISEs under Part 5A, regardless of whether the other ISE has requested the FV Information, whenever the College considers that doing so is necessary for a family violence protection purpose and has been given any required consents. For more information, refer to Grounds for Information Sharing Between ISEs, below.
4. The College will share FV Information about a perpetrator (other than Excluded Information) with a victim survivor (or the parent of a child victim survivor) whenever the College considers that doing so is necessary to manage a risk of the victim survivor being subjected to family violence. For more information, refer to Information Sharing with the Child and their Parent, below.
5. The College will refuse to disclose FV Information to a person (including a staff member, Volunteer, Contractor, student or a student's parent/carer) whenever the College reasonably believes that giving the person access to the FV Information would increase a risk to a victim survivor's safety from family violence. For more information, refer to Restrictions on Information Sharing, below and our [Privacy Program](#).

6. The College will follow the [FV Ministerial Guidelines](#), the FVIS Scheme Principles, the Principles of Information Sharing, and STAR best practice whenever Information is to be shared under this Policy and its Procedures. For more information, refer to the [Information Sharing \(Child Safeguarding\) Policy and Procedures](#).
7. Complaints about the College's performance of its information sharing functions under the FVP Act are managed following the [Child Safeguarding Complaints Management Policy and Procedures](#).

Procedures

Who is an ISE and Who is an RAE Under the FVIS Scheme?

The College is an ISE.

The list of other ISEs prescribed under regulation 5 and Schedule 1 of the FV Information Sharing Regulations is extensive.

It includes services that work with children, young people and families, such as government and non-government schools, family violence services, alcohol and other drug services, sexual assault services, homelessness services, mental health services, community health centres, registered general medical practitioners/nurses and out of home care services.

It also includes government agencies and regulatory bodies such as Child Protection, Child FIRST/the Orange Door, Department of Housing, Youth Justice, Maternal and Child Health, Victoria Police, the Commission for Children and Young People, and the Disability Services Commissioner.

A subset of ISEs is prescribed as RAEs. An RAE is an organisation or service that, as part of its functions, establishes or assesses the risk of a person committing family violence or a person being subjected to family violence.

RAEs include:

- state-funded specialist family violence services (such as refuges, Men's Behaviour Change Programs, family violence counselling and therapeutic programs)
- members of Risk Assessment and Management Panels
- state-funded sexual assault services
- Child Protection
- Child FIRST/the Orange Door
- Victoria Police
- the Victims Support Agency.

All ISEs can access an [online ISE list](#) which is a database that can be used to identify other ISEs. For information on how to use the online ISE list refer to the [ISE List User Guide](#).

For more information about ISEs and RAEs, see Chapter 2 of the [FV Ministerial Guidelines](#).

Grounds for Sharing Information Under the FVIS Scheme

Only FV Information that is relevant to assessing and/or managing a risk of family violence can be shared under the FVIS Scheme.

The [MARAM Framework](#) and Chapter 3 of the [FV Ministerial Guidelines](#) can assist in determining what FV Information may be relevant to assessing and/or managing a family violence risk.

Information Sharing with an RAE for a Family Violence Assessment Purpose

For the College to share FV Information with an RAE for a family violence assessment purpose, the following additional requirements must be met, regardless of whether the FV Information is being shared pursuant to a request or voluntarily:

- the FV Information must not be Excluded Information; and
- any relevant consents must have been given.

When disclosing FV Information to an RAE voluntarily, the College must also consider that disclosing the FV Information is for a family violence assessment purpose.

Information Sharing with an ISE for a Family Violence Protection Purpose

If an ISE Has Made a Request for the FV Information

For the College to share FV Information with an ISE that has requested the FV Information for a family violence protection purpose, the following additional requirements must be met:

- the College must have a reasonable belief that disclosure of the requested FV Information is necessary for a family violence protection purpose;
- the FV Information must not be Excluded Information; and
- any relevant consents must have been given.

If Sharing Voluntarily (Without a Request)

For the College to voluntarily share FV Information with an ISE (without a request), the following additional requirements must be met:

- the College must consider that disclosing the FV Information is for a family violence protection purpose;
- the FV Information must not be Excluded Information; and
- any relevant consents must have been given.

Information Sharing with a Victim Survivor for a Family Violence Protection Purpose

For the College to share a perpetrator's FV Information with a victim survivor (or the parent of a child victim survivor), the following additional requirements must be met:

- the College must consider that disclosing the FV Information is for a family violence protection purpose; and
- the FV Information must not be Excluded Information.

Consent Thresholds for Information Sharing Under the FVIS Scheme

Whether or not the consent of the person whose FV Information is being shared is required depends on whose FV Information is being shared and whether or not the family violence risk relates to a child.

The Consent Flowchart on page 62 of the FV Ministerial Guidelines provides a useful overview of how to apply the consent thresholds when sharing FV Information under the FVIS Scheme.

Sharing Information About Perpetrators and Alleged Perpetrators

Consent is not required from a perpetrator or an alleged perpetrator to share FV Information about them:

- with an ISE, whether for a family violence assessment purpose or a family violence protection purpose; or
- with a victim survivor (or the parent of a child victim survivor) to manage a risk of them being subjected to family violence.

Sharing Information About an Adolescent Who Uses Violence

As a perpetrator/alleged perpetrator, consent is not required from a student aged under 18 who uses, or is suspected to be using, violence (whether against a family member or against a person, including another student, with whom they are, or were, in an intimate relationship) to share FV Information about them:

- with an ISE, whether for a family violence assessment purpose or a family violence protection purpose; or
- with a victim survivor to manage a risk of them being subjected to family violence.

However, if the victim survivor of the adolescent's violence is an adult, that adult's consent may be required before sharing FV Information about them, as set out below.

Sharing Information About an Adult Victim Survivor

The consent of an adult victim survivor is usually required to share FV Information about them with an ISE, whether for a family violence assessment purpose or a family violence protection purpose.

However, under section 144NA of the FVP Act, the College can share FV Information about an adult victim survivor without their consent if it reasonably believes that sharing the FV Information is necessary to lessen or prevent a serious risk to an individual's life, health, safety or welfare. For more information about the serious threat exception, refer to Chapter 4 of the Ministerial Guidelines and Information Sharing Without Consent.

The College can also share FV Information about an adult victim survivor without their consent if the FV Information is relevant to assessing or managing family violence risks to a child, as set out below.

Most, but possibly not all, of the College's involvement in sharing FV Information about adult victim survivors under the FVIS Scheme will fall into this exception to the consent requirements.

Sharing Information About or Relevant to a Child Victim Survivor

Consent is not required from any person when the FV Information being shared is relevant to assessing or managing family violence risks to a child (including a risk of being exposed to family violence between other family members). Therefore, FV Information about adult victim survivors who are family members of the child can be shared without their consent.

However, it is the College's policy that:

- where the FV Information is about the child and/or other family members at risk of being subjected to family violence, the College will seek informed consent to the proposed information sharing from the child and/or the relevant family member provided that it is safe, reasonable and appropriate to do so
- where it is not possible to obtain informed consent, the child's and/or the family members' views will be sought prior to the proposed information sharing, provided that it is safe, reasonable and appropriate to do so

- at enrolment, parents/carers are informed that FV Information about students may be, or is, provided to other organisations.

It is the College's policy to follow Chapter 9 of the [FV Ministerial Guidelines](#) when seeking the informed consent, or otherwise seeking the views, of a child or family member about information sharing under the FVIS Scheme.

Refer to [Information Sharing with Consent](#).

Sharing Information About a Linked Person

The consent of a linked person is usually required to share FV Information about them with an ISE, whether for a family violence assessment purpose or a family violence protection purpose.

However, under section 144NB of the FVP Act, the College can share FV Information about a linked person without their consent if it reasonably believes that sharing the FV Information is necessary to lessen or prevent a serious risk to an individual's life, health, safety or welfare. For more information about when this may occur, refer to Chapter 4 of the [FV Ministerial Guidelines](#) and [Information Sharing Without Consent](#).

The College can also share FV Information about a linked person without their consent if the FV Information is relevant to assessing or managing family violence risks to a child, as set out above.

Information that Cannot be Shared

ISEs must not, under the FVIS Scheme, disclose Excluded Information to another ISE or to a victim survivor (or the parent of a child victim survivor).

ISEs also must not, under the FVIS Scheme, share FV Information that is known to be restricted under another law. Note, however, that the FVIS Scheme overrides some of the privacy and confidentiality provisions of other laws. Refer to Chapter 11 of the [FV Ministerial Guidelines](#) for information about which legislative privacy and confidentiality provisions have been overridden by the FVIS Scheme and which continue to apply.

Procedure for Making a Request for FV Information to an ISE

Where a staff member wishes to request FV Information from another ISE under section 144LB of the FVP Act, they must make the request to the Principal, who will consider whether or not to make the request for FV Information to the other ISE.

The Principal must determine whether:

- the FV Information being requested is relevant to and being sought for a family violence protection purpose
- the FV Information being requested is Excluded Information or is otherwise restricted from sharing by another law
- the informed consent of the relevant student, a family member (other than a person who is the perpetrator) or a linked person is required for the College to obtain the FV Information and:
 - if so, whether it has been given
 - if not, whether the views of the relevant student or of a family member (other than a person who is the perpetrator) should be sought and if so, what their views are.

If the Principal decides to request the FV Information from the other ISE then, before making the request, they should first try to contact the ISE by phone to discuss the ISE's information needs and ensure that the request is well targeted. Then, the Principal should request, in writing, that the FV Information be provided to the College. The written request must contain sufficient information to enable the ISE to consider whether sharing the FV Information with the College is necessary for a family violence protection purpose.

The request for FV Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Responding to an Information Request from an RAE/ISE

When the College receives a request for FV Information from another ISE, the request must be forwarded to the Principal (or to the EREA Director) if the requested FV Information relates to the Principal).

The Principal must:

1. Verify that the requesting entity is an ISE (and, if the request is for a family violence assessment purpose, that it is also an RAE) and if it is not, consider whether the FV Information should be shared under other applicable laws (for more information, refer to pages 40-41 of the [FV Ministerial Guidelines](#) and the [Information Sharing \(Child Safeguarding\) Policy and Procedures](#))
2. Verify the identity of the person making the request on behalf of the RAE/ISE
3. Determine whether:
 - the FV Information being sought is relevant to assessing or managing a risk of family violence

- they reasonably believe that disclosure of the FV Information is necessary for a family violence protection purpose, if the request for FV Information was made by the ISE for a family violence protection purpose
- the FV Information being sought is Excluded Information or is otherwise restricted from sharing by another law
- the informed consent of the relevant student, a family member (other than a person who is the perpetrator) or a linked person is required (noting that consent is not required if the FV Information is relevant to assessing or managing a family violence risk to a child); and:
 - if so, the Principal must either seek the relevant person's informed consent or determine whether the FV Information should be provided under the serious threat exception
 - if not, whether the views of the relevant student or of a family member (other than a perpetrator/alleged perpetrator) should be sought, and if so, the Principal must seek the relevant student or family member's views.

If the requesting ISE is a RAE and is seeking the FV Information for a family violence assessment purpose, the Principal **must** comply with the request and must provide the FV Information to the RAE unless:

- the FV Information is Excluded Information or otherwise restricted from disclosure by another law; or
- a relevant consent has not been given.

If the requesting ISE is seeking the FV Information for a family violence protection purpose, the Principal **must** comply with the request and must provide the FV Information to the ISE unless:

- they reasonably believe that disclosure of the FV Information is not necessary for a family violence protection purpose;
- the FV Information is Excluded Information or otherwise restricted from disclosure by another law; or
- a relevant consent has not been given.

If the Principal declines to provide the FV Information, they must record the request and why it was refused, and they must provide these reasons to the requesting RAE/ISE in writing. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

If the Principal determines that the FV Information must be shared, the FV Information may be shared verbally or in writing. The sharing of the FV Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Providing FV Information to an ISE without a Request

If a staff member proposes that FV Information should be shared with an RAE/ISE without a request having been made, this proposal must be put to the Principal for their consideration and action.

The Principal must:

1. Verify that the proposed receiving entity is an ISE (and, if the proposal is to share Information for a family violence assessment purpose, that it is also an RAE) and if it is not, consider whether the FV Information should be shared under other applicable laws (for more information, refer to pages 40-41 of the FV Ministerial Guidelines and the Information Sharing (Child Safeguarding) Policy and Procedures)

2. Determine whether:

- the FV Information proposed to be shared is relevant to assessing or managing a risk of family violence
- the FV Information proposed to be shared is Excluded Information or is otherwise restricted from sharing by another law
- the informed consent of the relevant student, a family member (other than a person who is the perpetrator) or a linked person is required (noting that consent is not required if the FV Information is relevant to assessing or managing a family violence risk to a child); and:
 - if so, the Principal must either seek the relevant person's informed consent or determine whether the FV Information should be provided under the serious threat exception
 - if not, whether the views of the relevant student or of a family member (other than a perpetrator/alleged perpetrator) should be sought, and if so, the Principal must seek the relevant student or family member's views.

3. Verify the identity of the person at the RAE/ISE to whom the FV Information should be provided.

If the grounds for information sharing are met, it is the College's policy that the Principal must share the FV Information unless the FV Information is Excluded Information or otherwise restricted from disclosure by another law.

The FV Information may be shared verbally or in writing.

The sharing of the Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Providing FV Information About a Perpetrator to a Student or their Parent

If the Principal reasonably believes that disclosing FV Information to a victim survivor (or to the parent of a child victim survivor) is necessary to manage a risk to the victim survivor's safety from family violence, it is the College's policy that the Principal must share the FV Information unless the FV Information is Excluded Information or otherwise restricted from disclosure by another law.

The FV Information may be shared verbally or in writing.

The sharing of the FV Information must be recorded. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Procedure for Responding to a Request from an Individual for Their Own FV Information

Requests by a person (including a staff member, Volunteer, Contractor, student or a student's parent/carer) to access their own personal information are usually managed by the Privacy Officer. For more information, refer to our [Privacy Program](#).

However, where a person requests access to personal information that is FV Information covered by this Policy and its Procedures, the request to access the FV Information must be referred to the Principal (or if the request is made by the Principal, to the EREA Director) for a decision about whether or not the FV Information should be disclosed to the individual.

If the Principal reasonably believes that giving a person access to their own FV Information would increase a risk to a victim survivor's safety from family violence, it is the College's policy that the Principal must refuse to disclose the FV Information to the person. For more information, refer to our [Privacy Program](#).

If the Principal declines to give a person access to their own FV Information, they must record the request and why it was refused. For more information, refer to [Information Sharing Record Keeping Policy and Procedures](#).

Record Keeping Requirements Under the FVIS Scheme

Section 144PB of the FVP Act requires the College to keep records of requests for and disclosures of FV Information under the FVIS Scheme. Part 3 of the FV Information Sharing Regulations prescribes the information that must be recorded.

For more information about how the College documents information sharing requests and disclosures, refer to [Information Sharing Record Keeping Policy and Procedures](#).

The College must take reasonable steps to protect these records against loss, misuse and unauthorised access, modification or disclosure. The College must also ensure that FV Information is managed securely to avoid the risk of intentional or unintentional privacy breaches. For more information, refer to [Confidentiality and Privacy Policy and Procedures](#).

Further guidance about information sharing record keeping is in Chapter 10 of the [FV Ministerial Guidelines](#).

Complaints Under the FVIS Scheme

An ISE may make a complaint to another ISE about how the other ISE has undertaken any activities under the FVIS Scheme, including where a request for FV Information has not been fulfilled.

If such a complaint is made to the College, the College must record:

- the date the complaint was made and received
- the nature of the complaint
- any action that was taken to resolve the complaint
- any necessary action that has been taken to prevent, or lessen, the risk of further similar complaints by addressing the reasons for the complaint
- the time taken to resolve the complaint
- if the College was unable to resolve the complaint, what (if any) further action was taken by the College.

For more information about how the College manages and records complaints (including complaints about its information sharing functions under the FVP Act), refer to our [Complaints Handling Program](#).

Protection from Liability

If any person who is authorised to share FV Information under Part 5A of the FVP Act, acting in good faith and with reasonable care, shares FV Information in accordance with Part 5A of the FVP Act, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such FV Information. The person cannot be in breach of any code of professional etiquette or ethics or be considered to have departed from any accepted standards of professional conduct.

Generally, a person may be considered to have acted in good faith and reasonable care when they can demonstrate that they:

- shared the FV Information in accordance with their obligations, functions and authorisations

- intended for the FV Information to be shared for a family violence assessment purpose or a family violence protection purpose and not for another purpose
- did not act maliciously, recklessly or negligently when exercising their power to share FV Information.

Restriction on Use of Information

If any FV Information is provided to the College under Part 5A of the FVP Act, the College must not, except as otherwise required or permitted by any law, use or disclose the FV Information for any purpose that is not associated with a family violence protection purpose.

Offences

Offences and penalties may apply if FV Information is shared in ways that are not permitted under Part 5A of the FVP Act:

1. The offence of unauthorised use or disclosure of confidential information includes a significant fine for a person or body corporate (section 144R). It is a defence if the person used or disclosed the FV Information in good faith and with reasonable care (section 144R(2)).
2. The offence of intentional or reckless unauthorised use or disclosure includes penalties of imprisonment of up to five years and/or a significant fine for an individual or a body corporate (section 144RA).

These two offences do not apply in the following circumstances:

- use or disclosure is made with the consent of the person to whom the FV Information relates or, if the person is a child, with the consent of the child's parent (other than a parent who is the perpetrator/alleged perpetrator)
- disclosure made to a court or tribunal in the course of legal proceedings or made pursuant to an order of a court or tribunal
- a use or disclosure made to the extent reasonably required to enable the investigation or the enforcement of law
- disclosure made to an Australian legal practitioner for the purposes of obtaining legal advice or representation; or
- use or disclosure made as required or authorised by the FVP Act or any another Act.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in Insert Publication/Communication Methods.

They are also available in hard copy by request.

Breach of Information Sharing Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, including inappropriate disclosure of Information, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)

- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)

Insert Related Policies/Procedures

These policies and procedures detail procedures by which information must be shared within the College and, in specific circumstances, with other external authorities and agencies.

Source of Obligation and Related Legislative Instruments

The College, as a non-government school, is a prescribed ISE under regulation 5 and Schedule 1 of the FV Information Sharing Regulations.

Mandatory Information Sharing with Other ISEs

Under section 144KB of the FVP Act, an ISE that is prescribed as an RAE may make a request to the College for FV Information about a victim survivor, a perpetrator, an alleged perpetrator or a linked person for a family violence assessment purpose.

Under section 144KC, the College must disclose the requested FV Information if:

- the FV Information is not Excluded Information;
- sharing the FV Information does not contravene another law; and
- relevant consent requirements are met.

Under section 144LB, an ISE may make a request to the College for FV Information about a victim survivor, a perpetrator or a linked person or the College may make such a request to another ISE, for a family violence protection purpose.

Under section 144LC, the College, or the other ISE to whom the request was made by the College, must disclose the requested FV Information if:

- the College/other ISE reasonably believes that the disclosure of the relevant FV Information is necessary for a family violence protection purpose
- the FV Information is not Excluded Information
- sharing the FV Information does not contravene another law; and
- relevant consent requirements are met.

For more information about consent requirements, refer to [Consent Thresholds for Information Sharing Under the FVIS Scheme](#).

Voluntary Information Sharing with ISEs

Under sections 144KA and 144LA of the FVP Act, the College may, on its own initiative, voluntarily share FV Information with an RAE or another ISE if:

- the FV Information is not Excluded Information
- sharing the FV Information does not contravene another law
- relevant consent requirements are met; and
- either:
 - in the case of disclosing FV Information to an RAE, the disclosure is for a family violence assessment purpose; or
 - in the case of disclosing FV Information to an ISE that is not an RAE, the disclosure is for a family violence protection purpose.

Information Sharing with Victim Survivors

Under section 144M of the FVP Act, the College may disclose the FV Information of a perpetrator (other than Excluded Information or where sharing the FV Information would contravene another law) to a victim survivor (or to the parent of a child victim survivor) for a family violence protection purpose.

The person to whom the FV Information has been disclosed must not use or disclose that FV Information except for the purpose of managing the risk to the victim survivor of being subjected to family violence.

For more information about sharing FV Information with students and parents/carers, refer to [Communicating with Parents/Carers About Internal and External Reports Policy and Procedures](#) and our [Privacy Program](#).

Restrictions on Sharing Information with Perpetrators and Alleged Perpetrators

Under privacy law, any person may seek access to their own personal information (including FV Information covered by this policy) from St Patrick's College. In the usual circumstances, the College is required to give that person access to their own FV Information.

However, under section 144QA of the FVP Act, the College may refuse to give a person access to their FV Information if it believes on reasonable grounds that giving the person access to the FV

Information would increase a risk to a victim survivor's safety from family violence.

Under the FV Ministerial Guidelines, the College also must take steps to ensure that it does not inadvertently disclose FV Information to a perpetrator/alleged perpetrator. See page 40 of the [FV Ministerial Guidelines](#).

This obligation means that the College must verify the identity of a person who is requesting FV Information from the College on behalf of an ISE. For more information, refer to the [Information Sharing \(Child Safeguarding\) Policy and Procedures](#). The College must also ensure that any Staff, Volunteers or Contractors who have a conflict of interest (because they are related to or have a personal relationship with a victim survivor and/or a perpetrator/alleged perpetrator) are not able to access FV Information about the relevant victim survivor or perpetrator/alleged perpetrator. For more information, refer to the Insert Conflicts of Interest Policy Name.

Related Forms and Documents

Insert Information Sharing Form

Information Sharing Register

Insert Related Forms/Documents

References and Resources

[Family Violence Information Sharing Ministerial Guidelines](#)

[Office of the Commissioner for Privacy and Data Protection, Guidelines for Sharing Personal Information, 2016](#)

Policy Administration

Insert Policy Control/Administration Information

Complying with Court Orders (Information Sharing) Policy and Procedures

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

This Policy and its Procedures set out how the School manages the sharing of information about students' safety and wellbeing as it relates to court orders.

This Policy and its Procedures set out how the College manages the sharing of information about students' safety and wellbeing as it relates to court orders.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all staff members. Where a particular policy or procedure also applies to Volunteers or Contractors, or to particular categories of Volunteer or Contractor, it will be set out in the relevant subsection.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Subpoena and Witness Summons

A subpoena or witness summons is a court order that compels the College and/or its Staff to produce documents or attend court and give evidence, or both.

When the Principal or a staff member is served with a subpoena or witness summons, this will generally be because a party to legal proceedings believes that the College, the Principal or a staff member has information or documents that are relevant to the proceeding.

In general, subpoenas and witness summons must be complied with. However, subpoenas and witness summons can be challenged in certain circumstances.

Court-Ordered Restrictions on Information Sharing

Courts may, in a variety of types of proceedings, make orders that restrict the sharing of information about children. These restrictions can include:

- restrictions in Family Law Orders that may prevent information being shared with a parent/carer
- Family Law or Children's Court orders that remove parental responsibility from a parent/carer
- criminal law matters such as Apprehended Violence Orders that prevent a person from knowing the whereabouts of a parent/carer or their child.

Roles and Responsibilities

Roles and responsibilities relevant to the Complying with Court Orders (Information Sharing) Policy and Procedures are set out in [Child Safeguarding Responsibilities](#) and the [Information Sharing \(Child Safeguarding\) Policy and Procedures](#).

St Patrick's College's Policy

1. Subpoena and Witness Summons

The consent of the person to whom the information or documents pertain is not required and need not be sought before sharing information pursuant to a subpoena or witness summons.

The College will provide assistance to, and where necessary seek external legal advice and support for, any staff member relating to complying with subpoenas or witness summons.

2. Court Ordered Restrictions on Information Sharing

If there is a court-ordered restriction on information sharing about a student at the College, a copy of the Court Order must be provided to the College and held with the student's records.

Where such an order has been provided, the relevant information must not be shared with the people set out in the order.

Implementation

This Policy is made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. It is included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in Insert Publication/Communication Methods.

They are also available in hard copy by request.

Breach of Information Sharing Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Complying with Court Orders (Information Sharing) Policy is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy is reviewed and updated as needed and for approving this Policy.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- [Information Sharing \(Child Safeguarding\) Policy and Procedures](#)

Insert Related Policies/Procedures

These policies and procedures detail procedures by which information must be shared within the College and, in specific circumstances, with other external authorities and agencies.

Source of Obligation and Related Legislative Instruments

- Civil Procedure Rules of relevant Courts

Related Forms and Documents

Insert Information Sharing Form

Information Sharing Register

Insert Related Forms/Documents

References and Resources

[Office of the Commissioner for Privacy and Data Protection, Guidelines for Sharing Personal Information, 2016](#)

Policy Administration

Insert Policy Control/Administration Information

Information Sharing Record Keeping Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

Information sharing best practice requires the College to record any information sharing that occurs in relation to the safety and wellbeing of students.

The College must, by law, keep records of all requests for information as well as of all information shared by the College under the Child Information Sharing Scheme (CIS Scheme) and the Family Violence Information Sharing Scheme (FVIS Scheme).

This Policy and its Procedures set out how the College documents:

- requests from or to external people or organisations for information about a student's safety and wellbeing (Information)
- the Information that is shared.

Principles

All children and young people who come to St Patrick's College have a right to feel and be safe.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Scope

This Policy and its Procedures apply to all Staff, Volunteers, and Contractors (together, known as "Staff" or "staff members" for the purposes of this section only).

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in [Child Safeguarding Responsibilities](#), the following people have particular responsibilities under this Policy and its Procedures.

It is the responsibility of the Director of Human Resources to manage the Information Sharing Register, discussed further below.

The Information Sharing Register is reviewed in Principal meetings and key information is provided as necessary to EREA.

St Patrick's College's Policy

1. The College must record all requests for Information received from or made to external people or organisations by staff members, and all Information that is shared with an external person or

organisation by an authorised information sharer under the Information (Child Safeguarding) Sharing Policy and Procedures or a relevant person under the CIS Scheme or FVIS Scheme.

2. The College must store all records relating to the sharing of information about a student's safety and wellbeing (Information) securely, separate from the student's records.

Procedures

How to Record Information Sharing

Information sharing requests and disclosures must be recorded in our Information Sharing Register in CompliSpace Assurance.

CompliSpace Assurance is designed to capture the key data with respect to all information sharing requests and disclosures, and to track the resolution process.

For more information, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

Record Keeping About Information Sharing Under the CIS Scheme and the FVIS Scheme

Disclosure of Information to an ISE

The College must record the following information about disclosures of Information to information sharing entities (ISEs) under the both the CIS Scheme and the FVIS Scheme:

- the ISE that requested the Information
- the Information that was requested
- the date on which the ISE made the request
- a record of the Information that was disclosed
- the date on which the Information was disclosed
- the ISE to which the Information was disclosed
- a copy of any family violence risk assessments or safety plans relevant to the disclosure
- for disclosures under the CIS Scheme or for disclosures of information relating to a child victim survivor under the FVIS Scheme:
 - whether the College sought and obtained the views of the child, or the views of that child's parent and, if not, the reason why
 - whether the child or that child's parent was informed that the Information was or would be disclosed
- for disclosures under the FVIS Scheme:
 - where a relevant consent was required and was provided, a record of the consent

- where a relevant consent was not provided and the Information was shared without consent:
 - the reason why consent was not obtained
 - whether the views of the person were sought and obtained, and if not the reasons why not
 - whether the person was informed that their Information was shared without their consent.

Refusal to Disclose Information to an ISE

If the College declines a request from an ISE for Information about any person, the College must record the:

- details of the request
- reason why the request was declined.

Refusal to Disclose a Person's Own Information to the Person

If the College declines a request from a person to access their own Information (under the CIS Scheme Policy's Procedure for Responding to a Request from an Individual for their Own Information or the FVIS Scheme Policy's Procedure for Responding to a Request from an Individual for their Own FV Information), the College must record the:

- details of the request
- reason why the request was declined.

Requests by the College To Another ISE

When the College makes a request for Information to another ISE, the College should record the:

- date of the request
- ISE that the request was made to
- Information that was sought
- reason why the Information was sought.

Record Keeping About Other Information Sharing

When a request for Information has been received from a person or organisation that is not an ISE under the CIS Scheme or the FVIS Scheme, the College should record the:

- name of the entity/individual making the request
- Information that was requested
- date on which the request was made.

When disclosing Information (whether voluntarily or in response to a request) to a person or organisation that is not an ISE under the CIS Scheme or the FVIS Scheme, the College should record:

- the name of the entity/individual who received the Information
- the reason that the Information was shared, including whether there was a legitimate purpose for sharing the Information
- the date on which the Information was disclosed
- a description of the Information that was disclosed
- whether the views of the child and/or their relevant family members were sought and consent was obtained
- the written approval of the Director of Human Resources to share the Information including confirmation that the Steps to Information Sharing were followed.

When making a request for Information from a person or organisation that is not an ISE under the CIS Scheme or the FVIS Scheme, the College should record the:

- date of the request
- name of the entity/individual that the request was made to
- Information that was sought
- reason why the Information was sought and whether it relates to a legitimate purpose.

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in Insert Publication/Communication Methods.

They are also available in hard copy by request.

Breach of Information Sharing Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Information Sharing Record Keeping Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Non-Mandatory Reporting to Child Protection Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)

Insert Related Policies/Procedures

These Policies and Procedures detail how Information may or must be shared within the College and, in specific circumstances, with other external authorities and agencies.

Source of Obligation and Related Legislative Instruments

Section 41ZC of the Child Wellbeing and Safety Act 2005 (Vic) requires the College to keep records of information sharing requests to, and disclosures made by, the College pursuant to the CIS Scheme. Section 7 of the Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic) prescribes the specific information that must be recorded for this Scheme.

Section 144PB of the Family Violence Protection Act 2008 (Vic) requires the College to keep records of information sharing requests to and disclosures made by the College pursuant to the FVIS Scheme. Part 3 of the Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic) prescribes the information that must be recorded for this Scheme.

The record keeping requirements under both Schemes are similar.

Related Forms and Documents

Insert Information Sharing Form

Information Sharing Register

Insert Related Forms/Documents

References and Resources

- [Child Information Sharing Ministerial Guidelines](#)
- [Family Violence Information Sharing Ministerial Guidelines](#)
- [Office of the Commissioner for Privacy and Data Protection, Guidelines for Sharing Personal Information, 2016](#)

Policy Administration

Insert Policy Control/Administration Information

Child Safeguarding Program Compliance Policies and Procedures

Introduction to this Section of the Child Safeguarding Program

Insert Introductory/Purpose Text

To ensure that the College is continuously complying with Victoria's Child Safe Standards, Ministerial Order 1359, the EREA Child Safeguarding Standards Framework and the National Catholic Safeguarding Standards, we have developed a series of policies and procedures relating to compliance requirements.

The Policies and Procedures in this Section

The policies and procedures in this section of the Child Safeguarding Program are:

- [Embedding a Child Safeguarding Culture Policy and Procedures \(Strategies to Embed a Culture of Child Safety\)](#)
- [Compliance with Child Safe Standards and Ministerial Order 1359 Policy and Procedures](#)

This section of the Child Safeguarding Program must be read and understood in conjunction with the [Minimum Standards Policies and Procedures](#).

Approvals and Reviews of the Compliance Policies and Procedures

All of the policies and procedures in this section of the Child Safeguarding Program implement the EREA Child Safeguarding Standards Framework and the Child Safeguarding (Safety and Wellbeing) Policy and Procedures, which the EREA Board has approved. An appropriate person at St Patrick's College or EREA has approved each policy and procedure in this section.

These policies and procedures are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement Policy and Procedures](#).

The appropriate person at St Patrick's College or EREA approves all changes to these policies and procedures that result from a review.

Policy administration information, including a record of the initial approval of the relevant policy and procedure in this section, the date of the next scheduled review and the dates of all other reviews and approvals, is set out at the end of each policy and procedure.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 2, 10 and 11
- [Ministerial Order 1359](#), Clause 14
- [National Catholic Safeguarding Standards](#), Standard 1 and 10
- [EREA Child Safeguarding Standards Framework](#), Standards 1, 10 and 11

Embedding a Child Safeguarding Culture Policy and Procedures

(Strategies to Embed a Culture of Child Safety)

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

At St Patrick's College we believe that the safety of students is dependent on the existence of a child safe culture within our College community.

Standard 2 of the Victorian Child Safe Standards and Clause 6 of Ministerial Order 1359 require the EREA Board to ensure that child safety and wellbeing are embedded in St Patrick's College's leadership, governance and culture.

This Policy and its Procedures set out the College strategies, systems and procedures for developing and maintaining a child safe culture.

Principles

EREA and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

The EREA Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and implementation of its child safeguarding strategies.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards.

Insert School's Child Safe Culture Principles

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors, as well as the EREA Board.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safeguarding Program Definitions and Definitions and Key Indicators of Child Abuse and Other Harm.

Roles and Responsibilities

Roles and responsibilities relevant to the Embedding a Child Safeguarding Culture Policy and Procedures are set out in Child Safeguarding Responsibilities.

St Patrick's College's Policy

1. Our Child Safeguarding Strategies

The following policies, procedures, work systems and practices are St Patrick's College's strategies for creating and embedding a child safeguarding culture at the College:

- implementation at the College level of the EREA Child Safeguarding Standards Framework and the EREA Child Safeguarding Policy.

- a holistic approach to child safety through this Child Safeguarding Program and through the implementation of the [EREA Child Safeguarding Standards Framework](#)
- the appointment of the College's Child Safeguarding Officers and a Senior Child Safeguarding Officer
- establishing key Child Safeguarding standards, and allocating roles and responsibilities for implementing our child safeguarding strategies, in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- establishing clear expectations for appropriate behaviour with students through the Child Safeguarding Codes of Conduct, including the [Student Child Safeguarding Code of Conduct Policy and Procedures](#) and the [Child Safety Code of Conduct](#)
- educating our College Principal, Staff, and relevant Volunteers and Contractors through our [Child Safeguarding Training](#)
- clear procedures for [Reporting a Child Safety Incident or Concern Internally](#), including alleged or suspected incidents of child abuse or other harm
- clear procedures for reporting child safety concerns externally, including [Mandatory Reporting to Child Protection](#), [Non-Mandatory Reporting to Child Protection](#), [Reporting to Police](#), [Reportable Conduct](#) and [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#)
- recognition that [Aboriginal and Torres Strait Islander Students](#), [students from culturally and linguistically diverse backgrounds](#) and [LGBTIQ+ students](#) have the right to special care and support
- recognition that [students with disability](#) have the right to special care and support
- clearly defining the [Child Safeguarding Responsibilities](#) of personnel involved in protecting students
- establishing comprehensive a [Child Safeguarding Record Keeping Policy and Procedures](#) to ensure that the College can evidence reasonable precautions taken to prevent abuse and other harm at the College in accordance with our [Child Safeguarding Risk Management Strategies](#)
- [Child Safeguarding Recruitment and Screening](#), [Working with Children Checks](#) and [Child Safeguarding and Supervision](#) to ensure that our human resources practices and procedures promote child safeguarding
- [Regular Reviews and Continuous Improvement](#) of the Child Safeguarding Program and our child safeguarding practices

2. Informing the School Community

St Patrick's College informs its Staff, Volunteers, Contractors, parents/carers and students about the College's child safeguarding strategies.

Procedures

St Patrick's College informs the College community about these strategies in the following ways:

- the following documents are available on the College's public website to ensure that they are readily accessible by all members of the community:
 - Child Safeguarding (Safety and Wellbeing) Policy and Procedures
 - Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures
 - Child Safety Code of Conduct
 - Student Child Safeguarding Code of Conduct
 - EREA Complaints Handling Policy
 - public-facing Child Safeguarding Complaints Management Policy and Procedures
 - Insert List of EREA Documents Required to be on a School's Website
 - Insert Additional Documents that are Available on the School's Public Website
- hard copies of these documents are also available at the College's administration office
- hard copies of the College's other child safeguarding policies and procedures, including those that implement the above strategies, are available on request.

St Patrick's College's Child Safeguarding Program and our strategies for embedding a culture of child safety are also communicated in the following ways:

- in the College's induction training for staff members and relevant Volunteers and Contractors
- in regular information sessions for staff members about specific child safety issues at the College
- through the provision of child safeguarding training sessions at least annually for staff members, and relevant Volunteers and Contractors, including during professional development days
- through the provision of child safeguarding information, including about reporting procedures, to parents, carers and the College community through Insert Parent Communication Methods
- including child safeguarding information, including information about the Child Safeguarding Codes of Conduct, reporting procedures and students' right to participation, in the child safety curriculum for students
- the provision of child-friendly versions of List Policies with Child-Friendly Versions to students through Insert Methods of Communication (e.g. newsletters, notice boards, intranet).

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. Its policies and procedures are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in the [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), which is available on our public website, as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Embedding a Child Safeguarding Culture Policy and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#).

Policy Review

A review of the Embedding a Child Safeguarding Culture Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [EREA Statement of Commitment to Child Safety](#)
- [EREA Child Safeguarding Policy](#)

- [EREA Child Safeguarding Standards Framework](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#)
- [Child Safeguarding \(Responding and Reporting\) Policy and Procedures](#)
- [Child Safeguarding Risk Management Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)

Insert Related Policies/Procedures

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards, Standard 2](#)
- [Ministerial Order 1359, Clause 6](#)
- [National Catholic Safeguarding Standards, Standard 1](#)
- [EREA Child Safeguarding Standards Framework, Standard 1](#)

Related Forms and Documents

Insert Related Forms/Documents

References and Resources

- Department of Education and Training, [Strategies to embed a culture of child safety](#).
- Victorian Registration and Qualification Authority, Child Safe Standard 1: Strategies to embed an organisational culture of child safety – information checklist, which can be downloaded [here](#).

Policy Administration

Insert Policy Control/Administration Information

Compliance with the Child Safe Standards and Ministerial Order 1359 Policy and Procedures

Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charisma of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality,

Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

Purpose

Insert Introductory/Purpose Text

The College is required by Part 6 of the Child Wellbeing and Safety Act 2005 (Vic) to comply with the Victorian Child Safe Standards (Victorian Standards). The 11 Victorian Standards are based on and align closely, but not directly, with the National Principles for Child Safe Organisations, published by the Australian Human Rights Commission. The Victorian Standards contain an additional Standard at the start, and then Standards 2-11 of the Victorian Standards align directly with Principles 1-10 of the National Principles.

The Minister for Education has published Ministerial Order 1359 which prescribes the minimum matters with which registered schools in Victoria must comply, as part of their registration requirements, in order to meet the Victorian Standards, as part of their registration requirements.

In addition to the Victorian Standards, as a Catholic entity, EREA-governed schools must also comply with the National Catholic Safeguarding Standards (NCSS). The NCSS were drafted by Catholic Professional Standards Ltd (now called Australian Catholic Safeguarding Ltd (ACSL)) in response to recommendations made to the Catholic Church by the Royal Commission into Institutional Responses to Child Sexual Abuse. The NCSS are national standards for the protection of children and other vulnerable people within the Catholic Church and all Catholic entities.

The 10 Standards in the NCSS align directly with the 10 National Principles but provide additional detailed guidance on what Catholic entities must do to comply. They therefore also align with Standards 2-11 of the Victorian Standards.

Compliance with the NCSS is not a legal requirement. However, as a Catholic Entity, St Patrick's College is expected to implement the NCSS.

The EREA Board has also developed a Child Safeguarding Standards Framework that sets out EREA's expectations on how the College will ensure that it is a child safe organisation.

The EREA Child Safeguarding Standards Framework includes 10 Child Safeguarding Standards that are based on the National Principles and the NCSS. The 10 Child Safeguarding Standards align directly with each of the 10 National Principles and the NCSS, and with Standards 2-11 of the Victorian Standards, but provide additional detailed guidance on how EREA expects the College to comply.

The EREA Child Safeguarding Standards Framework also includes a Standard 11, which relates to implementation of protocols and procedures at the EREA level rather than at the College. As such, it is not included in the compliance table below.

This section of the Child Safeguarding Program details exactly which parts of the Child Safeguarding Program meet which aspects of the Victorian Standards and Ministerial Order 1359, as well as the NCSS and the EREA Child Safeguarding Standards Framework.

Principles

Edmund Rice Education Australia (EREA) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

St Patrick's College and the EREA Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the EREA Statement of Commitment to Child Safety and the EREA Child Safeguarding Standards Framework set out the principles that guide the EREA Board and St Patrick's College in the development and regular review of our compliance with Child Safe Standards and Ministerial Order 1359.

As a Catholic Entity, the EREA Board and St Patrick's College are also guided by the NCSS.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" and "staff members" for the purposes of this Policy and its Procedures), as well as the EREA Board.

They apply in all College and Boarding School environments (together referred to as College environments), including physical, virtual and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Child Safeguarding Program Definitions](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Of particular importance to this Policy and its Procedures are the definitions of “school governing authority” and “school boarding premises governing authority”.

School Governing Authority/School Boarding Premises Governing Authority

Ministerial Order 1359 defines a school governing authority as:

- the proprietor of a school, including a person authorised to act for or on behalf of the proprietor
- the governing body for a school (however described), as authorised by the proprietor of a school or the Education and Training Reform Act 2006 (Vic) (ETR Act); or
- the principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

It defines a school boarding premises governing authority as:

- the provider of school boarding services; or
- the governing body for a school boarding premises (however described), as authorised by the proprietor of a school or the ETR Act.

The EREA Board is St Patrick's College's school governing authority and school boarding premises governing authority for the purposes of Ministerial Order 1359.

Roles and Responsibilities

Roles and responsibilities relevant to the Compliance with the Victorian Child Safe Standards and Ministerial Order 1359 Policy and Procedures are set out in [Child Safeguarding Responsibilities](#).

St Patrick's College's Policy

1. Compliance with the Victorian Standards and Ministerial Order 1359

The EREA Board and St Patrick's College comply with the Victorian Standards, in the manner prescribed by Ministerial Order 1359, through the development and implementation of this Child Safeguarding Program, as set out in the Table below.

2. Compliance with the NCSS and the EREA Child Safeguarding Standards

(a) In addition to complying with the Victorian Standards and Ministerial Order 1359, St Patrick's College also complies with the NCSS and the EREA Child Safeguarding Standards Framework through the development and implementation of this Child Safeguarding Program, as set out in the compliance table below.

(b) The Principal must provide to the EREA Board an annual Insert Name of and Link to Child Safe Framework Principal Attestation with the EREA Child Safeguarding Standards Framework (and therefore with the NCSS and Standards 2-11 of the Victorian Standards). For more information, refer to the Regular Reviews and Continuous Improvement Policy and Procedures.

Procedures

Compliance with Child Safe Standards and Ministerial Order 1359

The table below sets out each Victorian Standard and the accompanying requirements of Ministerial Order 1359, as well as each NCSS and EREA Child Safeguarding Standard, and a summary of how we comply with each Standard/requirement.

Victorian Child Safe Standard	Summary of Relevant Ministerial Order 1359 Requirement	National Catholic Safeguarding Standard	EREA Child Safeguarding Standards Framework Standard	How St Patrick's College Complies with this Standard/Requirement
<u>Standard 1:</u> Organisations establish a culturally safe environment in which the diverse and unique	<u>Clause 5:</u> To comply with this Standard, the College's governing authority must	See Standard 4	See Standard 4	The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the

identities and experiences of Aboriginal children and young people are respected and valued.

develop and endorse a policy or statement that details the strategies and actions the College will take to ensure that:

(a) a child's or student's ability to express their culture and enjoy their cultural rights is encouraged and actively supported

(b) strategies are embedded within the College which equip "school staff", "school boarding premises staff", students, Volunteers and the College community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and

community) implement this Standard:

(MO 1359 documents)

- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#) (in particular, Valuing Diversity in the School Community)

(other evidence/aspects of this Standard)

- [Equal Employment Opportunity and Anti-Discrimination Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- Insert Name of/Link to Cultural Training Policy and Procedure

safety of
Aboriginal
children and
students

(c) measures are adopted by the College to identify, confront and not tolerate racism within the College environment and that any instances of racism are addressed with appropriate consequences

(d) the College actively supports and facilitates participation and inclusion by Aboriginal children and students and their families

(e) all of the College's policies, procedures, systems and processes, taken together, create a culturally safe

	and inclusive environment and meet the needs of Aboriginal children and students and their families.			
<p><u>Standard 2:</u> Child safety and wellbeing is embedded in organisational leadership, governance and culture.</p>	<p><u>Clause 6:</u> To comply with this Standard, the College's governing authority must:</p> <p>(a) develop, endorse and make publicly available a child safety and wellbeing policy that details:</p> <ul style="list-style-type: none"> the College's commitment to child safety the actions the College will take to ensure a child safe culture is championed and modelled at 	<p><u>Standard 1:</u> <u>Committed Leadership, Governance and Culture</u></p> <p>Child safeguarding is embedded in the entity's leadership, governance and culture</p>	<p><u>Standard 1:</u> <u>Committed Leadership, Governance and Culture</u></p> <p>Child safeguarding is embedded in the school's leadership, governance and culture</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <u>Child Safeguarding (Safety and Wellbeing) Policy and Procedures</u> <u>Child Safety Code of Conduct</u> <u>Child Safeguarding Risk Management Policy and Procedures</u> <u>Child Safeguarding Record Keeping Policy and Procedures</u>

- all levels of the College
- the governance arrangements at the College for ensuring the policy is implemented at all levels
- the processes by which the College's governing authority will review its child safe practices

(b) develop, endorse and make publicly available a Child Safety Code of Conduct that:

- has the objectives of promoting child safety and wellbeing in

- General Records Management Policy
- Information Sharing Policy and Procedures (Child Safeguarding)

(other evidence/aspects of this Standard in each relevant Child Safe Standard)

- the appointment of senior staff members as the College's Child Safeguarding Officers
- the appointment of a Child Safeguarding Champion at the EREA Board level
- the EREA Child Safeguarding Standards Framework
- the development of this Child Safeguarding Program as a whole, but in particular (and in addition to the above policies and procedures):
 - Child Safeguarding Responsibilities

- the College's environment
- provides guidelines for "school staff" , "school boarding premises staff" and Volunteers on expected standards of behaviour in relation to child safety and wellbeing
 - takes into account the needs of all children and students and is consistent with any relevant professional or occupational codes of conduct
 - is consistent with the

- [Child Safeguarding Recruitment Policy and Procedures](#)
 - [Working with Children Checks Policy and Procedures](#)
 - [Child Safeguarding Training and Supervision Policy and Procedures](#)
 - [Child Safeguarding \(Responding and Reporting Obligations\) Policy and Procedures](#)
 - [Regular Reviews and Continuous Improvement Policy and Procedures](#)
- child safety is a standing agenda item for all relevant meetings, including regular Principal, EREA Victorian Schools Board and staff meetings

College's
child safety
and
wellbeing
strategies,
policies and
procedures

(c) develop and
implement risk
management
strategies that:

- focus on
preventing,
identifying
and
mitigating
risks related
to child
safety and
wellbeing in
the College
and the
Boarding
School
environment
- take into
account the
nature of
the College's
and the
Boarding
School's
environment
, the
activities

- CompliSpace
Assurance.

expected to be conducted in those environments (including the provision of services by contractors or outside organisations), and the characteristics and needs of all children and students expected to be present in those environments

(d) where risks of child abuse occurring in the College are identified, make a record of those risks and the risk's controls and treatments

(e) monitor and review the risks related to child

safety and wellbeing annually, including evaluating the effectiveness of the implementation of risk controls

(f) create, maintain and dispose of records relevant to child safety and wellbeing in accordance with Public Record Office Victoria Record Keeping Standards

(g) develop a policy or statement that details the processes the College has in place to meet the Public Record Office Victoria Record Keeping Standards

(h) ensure that “school staff” , “school boarding

	<p>premises staff” and Volunteers understand their obligations on information sharing and record keeping.</p>			
<p>Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.</p>	<p><u>Clause 7:</u> To comply with this Standard, the College’s governing authority must develop curriculum planning documents or other documentation that details the strategies and actions the College will take to ensure that: (a) children and students are informed about all of their rights, including to safety, information and participation</p>	<p><u>Standard 2:</u> <u>Children are Safe, Informed and Participate</u> Children are informed about their rights, participate in decisions affecting them and are taken seriously</p>	<p><u>Standard 2:</u> <u>Children and Young People are Safe, Informed and Participate</u> Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously</p>	<p>The following policies and procedures (and their communication to relevant Staff, students, parents/carers and the community) implement this Standard: (MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> • <u>Student Participation and Empowerment Policy and Procedures</u> • <u>Child Safeguarding (Safety and Wellbeing) Policy and Procedures</u> <p>(other evidence/aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> • We have, and provide to students, child-

(b) the importance of friendships is recognised and support from peers is encouraged, to help children and students feel safe and be less isolated

(c) Staff and Volunteers are attuned to signs of harm and facilitate child-friendly ways for children and students to express their views, participate in decision-making and raise their concerns

(d) the College has strategies in place to develop a culture that facilitates participation and is responsive to the input of children and students

friendly versions of the following:

List Policies with Child-Friendly Versions

- [Student Child Safeguarding Code of Conduct](#)
- Student Duty of Care Policies and Procedures including:
 - [Bullying Prevention and Intervention](#)
 - [Harassment \(Student Against Student\)](#)
 - [Cyber Safety](#)
 - [Student Use of Social Media](#)
- [Aboriginal and Torres Strait Islander Students Policy and Procedures \(Child Safeguarding\)](#)
- [Students with Disability Policy and Procedures \(Child Safeguarding\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures \(Child Safeguarding\)](#)

	<p>(e) the College provides opportunities for children and students to participate and is responsive to their contributions, to strengthen confidence and engagement</p> <p>(f) students are offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.</p>			<ul style="list-style-type: none"> • <u>LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding)</u>. • <u>Child Safeguarding Training and Supervision Policy and Procedures</u> • <u>Regular Reviews and Continuous Improvement Policy and Procedures</u>
<p><u>Standard 4:</u> Families and communities are informed, and involved in promoting child safety and wellbeing.</p>	<p><u>Clause 8:</u> To comply with this Standard, the College’s governing authority must develop a policy, statement or other documentation that details the strategies and</p>	<p><u>Standard 3:</u> <u>Partnering with Families, Carers and Communities</u> Families, carers and communities are informed and involved in promoting</p>	<p><u>Standard 3:</u> <u>Partnering with Families, Carers and Communities</u> Families, carers and communities are informed and involved in promoting</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p>

	<p>actions the College will take to ensure that:</p> <p>(a) families participate in decisions relating to child safety and wellbeing affecting their child</p> <p>(b) the College engages and openly communicates with families and the College and Boarding School community about its child safe approach, and relevant information is accessible</p> <p>(c) families and the College and Boarding School community have a say in the development and review of the College's policies and practices relating to child</p>	<p>child safeguarding</p>	<p>child safety and wellbeing</p>	<ul style="list-style-type: none">• <u>Family and Community Involvement in Child Safeguarding Policy and Procedures</u> <p>(other evidence/aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• We publish the following documents on our public website:<ul style="list-style-type: none">• <u>Child Safeguarding (Safety and Wellbeing) Policy and Procedures</u>• <u>EREA Complaints Handling Policy</u>• public-facing Child Safeguarding Complaints Management Policy and Procedures• <u>Child Safeguarding (Responding and Reporting Obligations)</u>
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	<p>safety and wellbeing.</p> <p>(d) families, carers and the College and Boarding School community are informed about the College’s operations and governance related to child safety and wellbeing.</p>			<p style="text-align: center;"><u>Policy and Procedures</u></p> <ul style="list-style-type: none"> • <u>Child Safeguarding Complaints Management Policy and Procedures</u> • <u>Sharing Information Relating to a Student’s Safety or Wellbeing Policies and Procedures</u> • <u>Regular Reviews and Continuous Improvement Policy and Procedures</u>
<p><u>Standard 5:</u> Equity is upheld and diverse needs respected in policy and practice.</p>	<p><u>Clause 9:</u> To comply with this Standard, the College’s governing authority must develop and endorse a policy, statement or curriculum document that details the strategies and actions the College will take to ensure that:</p> <p>(a) the College, including Staff and Volunteers,</p>	<p><u>Standard 4:</u> <u>Equity is Promoted and Diversity is Respected</u></p> <p>Equity is upheld and diverse needs respected in policy and practice</p>	<p><u>Standard 4:</u> <u>Equity is Promoted and Diversity Respected</u></p> <p>Equity is upheld and diverse needs respected in policy and practice</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> • <u>Child Safeguarding (Safety and Wellbeing) Policy and Procedures</u> • <u>Aboriginal and Torres Strait Islander Students Policy and</u>

understands children and young people's diverse circumstances, and provides support and responds to vulnerable children and students

(b) children, students, Staff, Volunteers and the College and Boarding School community have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

(c) the College pays particular attention to the needs of students with disability, students from culturally and linguistically

Procedures (Child Safeguarding).

- Students with Disability Policy and Procedures (Child Safeguarding).
- Students from Culturally and Linguistically Diverse Backgrounds Policy and Procedures (Child Safeguarding).
- LGBTIQ+ Inclusion Policy and Procedures (Child Safeguarding).

(other evidence/aspects of this Standard in each relevant Child Safe Standard)

- Equal Employment Opportunity and Anti-Discrimination Policy and Procedures
- Child Safeguarding Training and Supervision Policy and Procedures
- Regular Reviews and Continuous Improvement Policy and Procedures

	<p>diverse backgrounds, students who are unable to live at home, and lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTQI+) students</p> <p>(d) the College pays particular attention to the needs of Aboriginal students and provides and promotes a culturally safe environment for them.</p>			
<p><u>Standard 6:</u> People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</p>	<p><u>Clause 10:</u> To comply with this Standard, the College’s governing authority must ensure that:</p> <p>(a) recruitment advertisements for “school staff”</p>	<p><u>Standard 5:</u> <u>Robust Human Resource Management</u></p> <p>People working with children are suitable and supported to</p>	<p><u>Standard 5:</u> <u>Robust Human Resource Management</u></p> <p>People working with children and young people are suitable</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this</p>

	<p>and “school boarding premises staff” who will be engaged in “child-connected work” have a clear statement that sets out:</p> <ul style="list-style-type: none">• the job’s requirements, duties and responsibilities regarding child safety and wellbeing• the job occupant’s essential or relevant qualifications, experience and attributes in relation to child safety and wellbeing <p>(b) all applicants for jobs involving “child-connected</p>	<p>reflect child safeguarding values in practice</p>	<p>and supported to reflect child safeguarding values in practice</p>	<p>Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• Child Safeguarding Human Resources Management Policies and Procedures, including:<ul style="list-style-type: none">• <u>Child Safeguarding Recruitment Policy and Procedures</u>• <u>Working with Children Checks Policy and Procedures</u>• <u>Child Safeguarding Training and Supervision Policy and Procedures</u>• <u>Child Safeguarding Record Keeping Policy and Procedures</u> <p>(other evidence/aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• WWC Check Register• EREA Child Safeguarding Learning Course
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work” are informed about the College’s child safety practices (including the code of conduct)

(c) when engaging Volunteers to undertake “child-connected work”, they are made aware of the child safety and wellbeing policy and child safety code of conduct

(d) when engaging “school staff” and “school boarding premises staff” to perform “child-connected work”, the College’s governing authority:

- sights and verifies the person’s WWCC clearance, if the person is required

- CompliLearn Training Records
- general Human Resources Records

- to have one by the Worker Screening Act, or any equivalent background check
- collect and record:
 - proof of identity
 - information about essential or relevant professional or other qualifications
 - child-related work history
 - references that address

s
suitability for
the job
and
working with
children

(e) “school staff”,
“school boarding
premises staff”,
members of the
College’s
governing body
and Volunteers
engaged in child-
connected work,
receive an
induction
regarding child
safety and
wellbeing that is
appropriate to the
nature of their
role and that
includes:

- information on the child safety code of conduct
- if relevant to their role, the child safety and

wellbeing
policy and
the
procedures
for
managing
complaints
and
concerns
related to
child abuse

(f) “school staff”,
“school boarding
premises staff”,
members of the
College’s
governing body
and Volunteers
engaged in child-
connected work,
are aware of their
responsibilities to
children and
students,
information
sharing and
reporting
obligations and
record keeping
obligations.

(g) ongoing
supervision and
people
management of
Staff and

	Volunteers focuses on child safety and wellbeing.			
<p><u>Standard 7:</u> Processes for complaints and concerns are child focused.</p>	<p><u>Clause 11:</u> To comply with this Standard, the College’s governing authority must:</p> <p>(a) develop and make publicly available a complaints handling policy that is accessible, child-focused, culturally safe and easily understood by the College community, and that clearly outlines:</p> <ul style="list-style-type: none"> the process for making a complaint about the College or the behaviour of any person 	<p><u>Standard 6: Effective Complaints Handling</u> Processes for raising child safety concerns and complaints are responsive, understood, accessible and used by children, families, carers, communities, and personnel</p>	<p><u>Standard 6: Effective Complaints Handling</u> Processes for raising child safety concerns and complaints are responsive, understood, accessible and used by children and young people, families, carers, relevant communities, and staff</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <u>Child Safeguarding Complaints Management Policy and Procedures</u> <u>Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures</u> (published on our public website). <u>Child Safeguarding Record Keeping Policy and Procedures</u> To make these policies publicly

- within the College
- the roles and responsibilities of leadership, “school staff” , “school boarding premises staff” and Volunteers in relation to handling complaints
- the process for dealing with different types of complaints, breaches of relevant policies or the code of conduct and obligations to act and report

(b) have policies and procedures that:

available, accessible, and easily understood, we publish the following additional documents on our public website:

- [EREA Complaints Handling Policy](#)
- public-facing Child Safeguarding Complaints Management Policy and Procedures
- To make these policies accessible and easily understood by students, we have, and provide to students, child-friendly versions of the following:

List Policies with Child-Friendly Versions

(other evidence/aspects of this Standard in each relevant Child Safe Standard)

- [Child Safeguarding Training and](#)

- address the reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperate with law enforcement
- ensure record keeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns

(c) have a clear procedure or set of procedures for responding to

Supervision Policy and Procedures

- Regular Reviews and Continuous Improvement Policy and Procedures

complaints or concerns relating to child abuse

The procedure in (c) above must:

- cover all forms of “child abuse”
- be sensitive to the diversity and characteristics of the College and Boarding School community
- be made publicly available
- be accessible to children, students Staff, Volunteers and the College and Boarding School community
- apply to complaints

and
concerns
relating to
child abuse
made by or
in relation to
a child or
student,
“school
staff”,
“school
boarding
premises
staff”,
Volunteers,
Contractors,
service
providers,
Visitors or
other
persons
while
connected
to a College
or Boarding
School
environment

- identify the
roles and
responsibilit
ies of
“school
staff” ,
“school
boarding
premises

staff” and leadership to act and report on complaints and concerns relating to child abuse, including:

- ensuring complaints are taken seriously
- promptly and thoroughly managing the College’s response
- responding appropriately to a child or

student who raises or is affected by the complaint or concerns,

- monitoring overall compliance of the College with the procedure
- managing an alternative procedure for responding if any person allocated respon

sibility
cannot
perform
their
role

- include a statement that fulfilling the roles and responsibilities in the procedure does not discharge other legal obligations if the person reasonably believes that a child is at risk of child abuse
- clearly describe the actions the College will take to respond to a complaint or concerns relating to child abuse, including:

- reporting to appropriate authorities, regardless of whether there is a legal obligation to report
- protecting any child or student connected to the complaint or concerns until it is resolved
- making,

securing and retaining records of the complaint or concerns and the College's response

The procedure in (c) above must not:

- prohibit or discourage "school staff", "school boarding premises staff" or Volunteers from external reporting
- state or imply that it is the

victim's
responsibility to inform
police or
other
authorities

- require
"school
staff" ,
"school
boarding
premises
staff" or
Volunteers
to make a
judgment
about the
truth of a
complaint
or concerns
of child
abuse
- prohibit
"school
staff" ,
"school
boarding
premises
staff" or
Volunteers
from
making
records in
relation to a
complaint
or concerns.

<p><u>Standard 8:</u> Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</p>	<p><u>Clause 12:</u> To comply with this Standard, the College's governing authority must:</p> <p>(a) ensure that, at least annually, "school staff" and "school boarding premises staff" receive training and information on child safety that includes a number of specific topics</p> <p>(b) ensure that Volunteers engaged in "child-connected work" receive training and information that will equip them with the knowledge, skills and awareness required to keep children safe and that is appropriate to their role</p>	<p><u>Standard 7:</u> <u>Ongoing Education and Training</u></p> <p>Personnel are equipped with the knowledge, skills and awareness to keep children safe through information, ongoing education and training</p>	<p><u>Standard 7:</u> <u>Ongoing Education and Training</u></p> <p>Staff and relevant Volunteers and Contractors are equipped with the knowledge, skills and awareness to keep children and young people safe through information, ongoing education and training</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• <u>Child Safeguarding Training and Supervision Policy and Procedures</u> <p>(other evidence/aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• <u>Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures</u>• <u>Child Safety Code of Conduct</u>• <u>Student Child Safeguarding Code of Conduct</u>• <u>Definitions and Key Indicators of Child</u>
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	<p>(c) consider whether it is reasonable and necessary to include training for Volunteers on a number of specific topics</p> <p>(d) ensure that “school staff” , “school boarding premises staff” and Volunteers are supported to effectively implement the child safety and wellbeing policy, as applicable to their role</p> <p>(e) ensure that, at least annually, members of the College governing authority receive training and information on child safety that includes a number of specific topics.</p>			<p><u>Abuse and Other Harm</u></p> <ul style="list-style-type: none"> • <u>Child Safeguarding Record Keeping Policy and Procedures</u> • <u>Child Safeguarding Responsibilities</u>
<p><u>Standard 9:</u> Physical and online</p>	<p><u>Clause 13:</u></p>	<p><u>Standard 8:</u> <u>Safe Physical</u></p>	<p><u>Standard 8:</u> <u>Safe Physical</u></p>	<p>The following policies and procedures (and, where</p>

<p>environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.</p>	<p>To comply with this Standard, the College's governing authority must:</p> <p>(a) ensure that the College's child safety and wellbeing policies, procedures and practices enable "school staff", "school boarding premises staff" and Volunteers to identify and mitigate risks in the College and Boarding School environment without compromising a child or student's right to privacy, access to information, social connections and learning opportunities</p> <p>(b) develop and endorse a policy or statement on online conduct and safety that is</p>	<p><u>and Online Environments</u></p> <p>Physical and online environments promote safety and contain appropriate safeguards to minimise the opportunity for children to be harmed</p>	<p><u>and Online Environments</u></p> <p>Physical and online environments promote safety and contain appropriate safeguards to minimise the opportunity for children and young people to be harmed</p>	<p>relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standards)</p> <ul style="list-style-type: none">• <u>Child Safeguarding Risk Management Policy and Procedures</u>• <u>Email and Internet Usage</u>• Insert Name of/Link to School's Child Safe Procurement Policy <p>(other aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none">• <u>Child Safety Code of Conduct</u>• <u>Student Child Safeguarding Code of Conduct</u>• <u>Child Safeguarding Training and Supervision Policy and Procedures</u>
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	<p>consistent with the College’s child safety and wellbeing policy and the child safety code of conduct.</p> <p>(c) ensure that the College’s procurement policies for facilities and services from third parties ensure the safety of children and students.</p>			<ul style="list-style-type: none"> • <u>Regular Reviews and Continuous Improvement Policy and Procedures</u>
<p>Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved.</p>	<p>Clause 14: To comply with this Standard, the College’s governing authority must:</p> <p>(a) review and evaluate the College’s child safety and wellbeing policies, procedures and practices:</p> <ul style="list-style-type: none"> • after any significant 	<p>Standard 9: <u>Regular Review and Continuous Improvement</u></p> <p>Entities regularly review and improve implementation of their systems for keeping children safe</p>	<p>Standard 9: <u>Regular Review and Continuous Improvement</u></p> <p>Implementation of the EREA Child Safeguarding Standards and of the school’s Child Safeguarding Policies and Procedures is regularly</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <p>(MO 1359 documents; also meet aspects of this Standard in each relevant Child Safe Standards)</p> <ul style="list-style-type: none"> • <u>Regular Reviews and Continuous Improvement Policy and Procedures</u>

	<p>child safety incident</p> <ul style="list-style-type: none"> • or least every two years <p>and improve where applicable</p> <p>(b) ensure that complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement</p> <p>(c) report on the outcomes of relevant reviews to “school staff”, “school boarding premises staff”, , the College College and Boarding School community, families and students.</p>		<p>reviewed and improved</p>	<p>(other aspects of this Standard in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> • <u>Child Safeguarding Risk Management Policy and Procedures</u> • <u>Child Safeguarding Record Keeping Policy and Procedures</u> • <u>General Records Management Policy</u> • CompliSpace Assurance
<p><u>Standard 11:</u> Policies and procedures document how</p>	<p><u>Clause 15:</u> To comply with this Standard, the</p>	<p><u>Standard 10:</u> <u>Policies and Procedures</u> <u>Support</u></p>	<p><u>Standard 10:</u> <u>Policies and Procedures</u> <u>Support</u></p>	<p>The following policies and procedures (and, where relevant, their communication to relevant</p>

<p>the organisation is safe for children and young people.</p>	<p>Collegé’s governing authority must:</p> <p>(a) implement practices for a child safe environment in accordance with the Order</p> <p>(b) ensure that all policies, procedures and other statements and records required by the Order:</p> <ul style="list-style-type: none">• address all Child Safe Standards• are understood and implemented by “school staff”, the Collegé’s governing body and Volunteers• are championed and modelled by leaders	<p>Child Safeguarding Policies and procedures document how the entity is safe for children</p>	<p>Child Safeguarding Policies and procedures document how the school is safe for children and young people</p>	<p>Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none">• the Child Safeguarding Program as a whole• CompliSpace Assurance
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	<ul style="list-style-type: none">• are documented and easy to understand• are informed by best practice models and stakeholder consultation			
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Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our [Child Safeguarding \(Safety and Wellbeing\) Policy and Procedures](#), as well as Complispace-PolicyConnect and Staff Learning Systems, Sam4Schools, Passtab, College Website, Contracts, Newsletters, Annual Reports, Annual briefings and the Crest..

They are also available in hard copy by request.

Breach of Compliance with Child Safe Standards Policies and Procedures

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties

- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Compliance and Breach \(Child Safeguarding\) Policy and Procedures](#)

Policy Review

A review of the Compliance with the Child Safe Standards and Ministerial Order 1359 Policy and Procedures is conducted Insert Review Frequency (e.g. annually) or earlier if required, such as due to changes in legislation.

The Insert Reviewer Position Title is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

EREA and St Patrick's College Policy and Procedures Linkages

- [Child Safeguarding Risk Management Policy and Procedures](#)
- Regular Reviews and Continuous Improvement Policy and Procedures

Insert Related Policies/Procedures

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#)
- [Ministerial Order 1359](#)
- Child Wellbeing and Safety Act 2005 (Vic)
- Education and Training Reform Act 2006 (Vic)
- National Catholic Safeguarding Standards
- EREA Child Safeguarding Standards Framework

Related Forms and Documents

A child safety standards/Ministerial Order 1359 compliance self-assessment and action plan, published by the VRQA, can be downloaded [here](#).

The Commission for Children and Young People's Child Safe Standards – Implementation and Action Plan Tool can be downloaded [here](#).

The NCSS Declaration of Assurance and Compliance (Regulated Activities), published by ACSL, for Catholic Entities that are engaged in activities covered by external accreditation and audit processes (such as the VRQA/CECV registration requirements for Victorian schools), can be found [here](#).

The NCSS self-assessment tool, published by ACSL, for matters that are not covered by VRQA/CECV registration requirements, can be found [here](#).

Insert Name of and Link to Child Safe Framework Self-Assessment

Insert Name of and Link to Child Safe Framework Principal Attestation

Insert Related Forms/Documents

Reference and Resources

Commission for Children and Young People, [A Guide for Creating a Child Safe Organisation](#)

Policy Administration

Insert Policy Control/Administration Information

Definitions and Additional Resources

This section of the Child Safeguarding Program includes:

- [Child Safeguarding Program Definitions](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- [Child Protection Law and Regulation in Victoria - An Overview \(Vic\)](#)
- [Child Safeguarding Additional Resources](#)

Child Safeguarding Program Definitions

The following definitions apply to, and are used throughout, the Child Safeguarding Program. Where additional definitions apply to a specific policy and procedure, these are set out in the relevant Policy and its Procedures.

Child Safeguarding

Where the phrase “child safeguarding” is used in our Child Safeguarding Program it refers to the safety and wellbeing of children and young people, which includes but goes further than the protection of them from child abuse and other harm.

Child and Young Person

A “child and young person” is defined in the Child Wellbeing and Safety Act 2005 (Vic) and for the purposes of our Child Safeguarding Program, as a person who is under the age of 18 years.

Student

A student is defined in Ministerial Order 1359 as a person who is enrolled at or attends the College or a student at the Boarding School.

Similarly, where the term “student” is used in this Program, it refers to all students enrolled at the College or the Boarding School, including those aged 18 and above.

Note that, as set out in the Responding to and Reporting Child Safety Incidents and Concerns Policies and Procedures, our policies and procedures about the internal and external reporting of child safety incidents and concerns must be followed for incidents and concerns about students aged 18 years and above, provided that – for external reporting – the relevant student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual’s life, health, safety or welfare).

Child Safety Incident or Concern

The different definitions of child abuse or other harm in various legislation, and the key indicators of child abuse and other harm are set out in Definitions and Key Indicators of Child Abuse and Other Harm. Together, they are all considered “child safety incidents or concerns” for the purposes of our Child Safeguarding Program.

Breaches of the Child Safeguarding Codes of Conduct are also considered “child safety incidents or concerns.”

For a full definition of exactly what is included as a “child safety incident or concern” refer to the Key Definition section of the Executive Summary.

Child Safety Incidents or Concerns “Involving” the Principal

Throughout the Child Safeguarding Program, the Principal is given specific responsibilities for receiving and managing internal reports, complaints, disclosures or allegations of child safety incidents or concerns that involve the College or its Staff, Volunteers or Contractors.

However, where the child safety incident or concern “involves” or is alleged to “involve” the Principal or where a child safeguarding-related complaint is made about the Principal, the EREA Director of

Safeguarding is responsible for receiving and managing these reports, complaints, disclosures or allegations.

For more information, refer to [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#), [Child Safeguarding Complaints Management Policy and Procedures](#), [Reportable Conduct Policies and Procedures](#) and [Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures](#).

For the purposes of these policies and procedures, a child safety incident, concern, complaint or allegation “involves” the Principal if:

- the Principal is the perpetrator of the child safety incident or concern, or is otherwise the subject of the complaint or allegation about a child safety incident or concern
- the Principal has, or is alleged to have, mishandled a child safety incident, concern, complaint or allegation
- the Principal is otherwise involved in the chain of events surrounding the child safety incident or concern (for example, they are a witness to the child safety incident)
- the Principal has an actual, potential or perceived conflict of interest in receiving or managing the internal report, complaint or allegation (for example, they are related to the alleged victim or the alleged perpetrator).

Child Abuse and Other Harm

“Child abuse and other harm” is not a defined term in Victorian law. However, various sources of legislation provide a definition of “child abuse” as well as other concepts and conduct which, together, provide guidance as to what is considered child abuse and other harm in Victoria.

For the purposes of our Child Safeguarding Program, the phrase “child abuse and other harm” refers to incidents of or concerns about, including concerns about a risk of, physical, sexual, psychological and emotional harm, neglect, grooming and exposure to family violence, regardless of by whom or how this harm occurs.

For more information, refer to [Definitions and Key Indicators of Child Abuse and Other Harm](#).

Child-Connected Work

Ministerial Order 1359 defines “child-connected work” as “work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school or school boarding premises environment while children are present or reasonably expected to be present”.

The EREA Board authorises the Principal, the Deputy Principal and the Director of Human Resources to work at or for the College.

St Patrick's College authorises all other Staff, Volunteers and Contractors to work at or for the College on behalf of the EREA Board.

This means that all staff members, including teaching and non-teaching Staff and Boarding School, are engaged in child-connected work**.**

Under this definition, the following Volunteers and Contractors are also engaged in child-connected work:

- all Direct Contact Volunteers/Contractors who are adults
- Regular Volunteers/Contractors who are adults and who work when children are present or expected to be present
- Casual Volunteers/Contractors who are adults and who work when children are present or expected to be present.

For more information, refer to the definitions of **Direct Contact, Regular and Casual Volunteers**, and **Direct Contact, Regular and Casual Contractors**, below.

Child-Related Work

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the College or the Boarding School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact;
- face-to-face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the College and the Boarding School, and all Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

Members of the College Community

Throughout the College's Child Safeguarding Program, certain groups of people in the College community are identified for the purposes of assigning roles, responsibilities and obligations. To ensure clarity, the following terms are used consistently through the Program and have the following meanings:

Trustees of Edmund Rice Education Australia

Trustees of Edmund Rice Education Australia (TEREA) is the governing body of the association (EREA) and the proprietor of the College.

TEREA includes all EREA employees, irrespective of their level of interaction with students or College policy.

The EREA Board

The Edmund Rice Education Australia Board (EREA Board), appointed by TERE, is St Patrick's College's "school governing authority" and "school boarding premises governing authority" for the purposes of Ministerial Order 1359.

The EREA Board includes all Board Members irrespective of their level of interaction with students or College policy.

The Executive Director of EREA

With the exception of where the EREA Executive Director has specific roles and responsibilities and is therefore expressly identified, the EREA Executive Director will be included as a staff member for the purposes of the Child Safeguarding Program.

The EREA Director of Safeguarding

With the exception of where the EREA Director of Safeguarding has specific roles and responsibilities and is therefore expressly identified, the EREA Director of Safeguarding will be included as a staff member for the purposes of the Child Safeguarding Program.

The EREA Regional Director

With the exception of where the EREA Regional Director has specific roles and responsibilities and is therefore expressly identified, the EREA Regional Director will be included as a staff member for the purposes of the Child Safeguarding Program.

The College EREA Victorian Schools Board

The College's EREA Victorian Schools Board includes all College EREA Victorian Schools Board members irrespective of their level of interaction with students or College policy.

The Principal

With the exception of where the Principal has specific roles and responsibilities and is therefore expressly identified, the Principal will be included as a staff member for the purposes of this Program.

School Staff

"School staff" is a particular phrase used in Ministerial Order 1359, and is defined as "an individual working in a school environment who is:

- directly engaged or employed by a school governing authority; or
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school governing authority to perform "child-related work"; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school".

St Patrick's College engages or employs all Staff and Contractors at the College (other than the Principal), the Deputy Principal and the Director of Human Resources.) on behalf of the EREA Board.

This means that the phrase "school staff" includes all Staff, as well as Direct Contact Contractors and any minister of religion or EREA employee, no matter their age or the frequency of their engagement.

"School staff" is therefore broader in scope than the terms "Staff" and "staff members" as set out below.

School Boarding Premises Staff

"School boarding premises staff" is a particular phrase used in Ministerial Order 1359, and is defined as "an individual working in a school boarding premises environment who is:

- directly engaged or employed by the school boarding premises governing authority; or
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school".

Insert School Employer Name engages or employs all Staff and Contractors at the Boarding School on behalf of the EREA Board.

This means that the phrase “school boarding premises staff” includes all Staff, as well as Direct Contact Contractors at the Boarding School, no matter their age or the frequency of their engagement.

“School boarding premises staff”, for the purposes of Ministerial Order 1359, is therefore broader in scope than the terms “Staff” and “staff members” as set out below.

Staff and Staff Members

The terms “Staff” and “staff members” include all persons employed by the College, whether full-time or part-time, or on a permanent, temporary or casual basis. These terms include all teaching and non-teaching Staff, all Boarding School Staff and, unless otherwise stated, the Principal and Director of Boarding.

For the purposes of the Child Safeguarding Program, College EREA Victorian Schools Board members are also considered Staff, even though they may undertake this role as a Volunteer.

All Staff are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

Where differentiation between teachers and non-teaching Staff is required in a particular policy or procedure, it will be expressly stated within the policy or procedure itself.

Where the term “staff members” is extended in a particular Policy and its Procedures to include other members of the College community, such as Volunteers or Contractors, this will be expressly stated within the Policy and its Procedures.

Direct Contact, Regular and Casual Volunteers

A Volunteer is a person who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers make a considerable contribution to the College community by giving their time and sharing their skills and expertise with others.

Volunteers are NOT “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359. However, many, but not all, Volunteers are engaged in “child-connected work” for the purposes of Ministerial Order 1359. Volunteers who are themselves children or who do not work when children or students are present or expected to be present are NOT engaged in child-connected work.

St Patrick's College has identified three different categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers' responsibilities and obligations under the Child Safeguarding Program may depend on their category. The categories of Volunteer are:

- Direct Contact Volunteers
- Regular Volunteers
- Casual Volunteers

Where the term "Volunteer" is used, it captures "Direct Contact Volunteers", "Regular Volunteers" and "Casual Volunteers".

Direct Contact Volunteer

Direct Contact Volunteers are volunteers who are involved in providing support, guidance and supervision directly to students or who could potentially have direct contact with students during the normal course of providing the volunteer service.

The Working with Children Act 2005 (Vic) defines "direct contact" in section 3 as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

All Direct Contact Volunteers (other than those who are themselves children) are engaged in both child-connected work and child-related work within the meaning of Ministerial Order 1359.

Direct Contact Volunteers may have direct contact with students in circumstances where:

- they may have limited supervision by College Staff in their role
- they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support)
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library)
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).

Examples of Direct Contact Volunteers include individuals who:

- attend a College camp or excursion
- assist a student during a learning activity
- assist a student to complete tests or exams (e.g. as a scribe or reader)
- coach, manage, or assist with the coaching or managing, of sports at the College
- assist with theatre or music productions
- tutor, or assist with the tutoring of, a student in extra-curricular activities such as music, choir or debating
- volunteer in the College canteen or uniform shop.

Due to the nature of Direct Contact Volunteers' contact with students, they will have more comprehensive child safeguarding responsibilities and obligations within our Child Safeguarding Program.

Regular Volunteer

Regular Volunteers are individuals who provide volunteer services to the College, more than seven times in any one year, but are not a Direct Contact Volunteer. They may have some indirect or incidental contact with students when providing their services.

Regular Volunteers (other than those who are themselves children) who work in any College environment while children are present are or are expected to be present are engaged in "child-connected work" within the meaning of Ministerial Order 1359. However, they are not engaged in "child-related work".

Examples of Regular Volunteers include individuals who volunteer more than seven times per year:

- in the College administrative office (other than in a role that has direct contact with students)
- on College advisory committees or advisory councils and do not have direct contact (such as by post, telephone or email) with students while doing so.

Due to the regular nature of Regular Volunteers' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some child safeguarding responsibilities and obligations within our Child Safeguarding Program.

Casual Volunteer

Casual Volunteers are individuals who provide volunteer services to the College, seven times or less in any one year, but are not a Direct Contact Volunteer. They may have indirect or incidental contact with

students when providing their services but only in circumstances where they:

- they are providing services aimed at the general public
- they are not likely to be left alone, one-on-one, with a student
- a reasonable person would not consider the contact to enable the individual to form a relationship of trust with a student
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Casual Volunteers (other than those who are themselves children) who work in any College environment while children are present or are expected to be present are engaged in “child connected work” within the meaning of Ministerial Order 1359. However, they are not engaged in “child-related work”.

Examples of Casual Volunteers include individuals who, in the circumstance described above, volunteer seven times or less in any one year:

- at a working bee to cover books or landscape a College garden
- on a stall at a College fair
- on a College BBQ at a sporting event
- in the College administrative office.

Due to the limited nature of Casual Volunteers’ contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Volunteers, and are instead treated as Visitors.

Direct Contact, Regular and Casual Contractors

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of St Patrick's College. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches and cleaners.

Contractors who have direct contact with children (see below) are “school staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359. Many, but not all, Contractors are engaged in “child-connected work” for the purposes of Ministerial Order 1359. Contractors who are themselves children or who do not work when children or students are present or expected to be present are NOT engaged in child-connected work.

St Patrick's College has identified three different categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Safeguarding Program may depend on their category. These categories are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors

Where the term "Contractor" is used, it captures "Direct Contact Contractors," "Regular Contractors" and "Casual Contractors".

Direct Contact Contractors

Direct Contact Contractors are individuals who provide contractor services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where they:

- may be left alone, one-on-one, with a student (for example, 1:1 tutor or learning support)
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, casual teacher, coach of a sports team, music tutor, canteen worker, regular maintenance worker)
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, casual teacher, music tutor).

All Direct Contact Contractors (other than those who are themselves children) are engaged in child-connected work and child-related work within the meaning of Ministerial Order 1359.

Examples of Direct Contact Contractors may include:

- maintenance workers who regularly work at times when students are present
- tutors
- specialist music or drama teachers
- casual teachers
- sporting team coaches
- outdoor education specialists
- physical education service providers.

This also includes music tutors and other extra-curricular tutors and instructors who are engaged by students and their families directly, rather than the College, but have an agreement with the College to

use the College's facilities.

Due to the nature of Direct Contact Contractors' contact with students, they will have more comprehensive child safeguarding responsibilities and obligations within our Child Safeguarding Program.

Regular Contractor

Regular Contractors are individuals who provide contractor services to the College more than seven times in any one year, and are not Direct Contact Contractors. They may have some indirect or limited contact with students when providing their services.

Regular Contractors (other than those who are themselves children) who work in any College environment while children are present are or are expected to be present are engaged in "child connected work" within the meaning of Ministerial Order 1359. However, they are not engaged in "child-related work".

Examples of Regular Contractors may include:

- consultants
- umpires, referees or linesmen at sporting events
- maintenance workers who regularly work at times when students are not expected to be present
- regular caterers for Staff events.

Due to the regular nature of Regular Contractors' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some child safeguarding responsibilities and obligations within our Child Safeguarding Program.

Casual Contractor

Casual Contractors are individuals who provide contractor services to the College, seven times or less in any one year, during which they may have indirect or limited contact with students, but only in circumstances where:

- they are not left alone, one-on-one, with a student
- a reasonable person would not consider the contact to enable the individual to form a relationship or trust with a student
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Casual Contractors (other than those who are themselves children) who work in any College environment while children are present or are expected to be present are engaged in “child connected work” within the meaning of Ministerial Order 1359. However, they are not engaged in “child-related work”.

Examples of Casual Contractors may include individuals who, less than seven times a year:

- provide one-off emergency maintenance work
- give a speech, performance or presentation at the College
- provide assistance with activities at a College sports day (e.g. lifeguards).

Due to the limited nature of Casual Contractors’ contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Contractors, and are instead treated as Visitors.

External Education Providers

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. This may include:

- another registered non-government school
- a government school including:
- the Victorian School of Languages
- Virtual School Victoria
- TAFE Colleges
- Registered Training Organisations (RTOs)
- other external providers with appropriate scope of registration, qualifications and expertise.

The delivery of such a course may take place on College premises or elsewhere.

For the purposes of our Child Safeguarding Program, External Education Providers are considered Direct Contact Contractors.

Visitors

The term “Visitor” refers to any adult who attends a College event or who is in a College environment on a one-off or casual basis. Examples of Visitors include, but are not limited to:

- Casual Volunteers

- Casual Contractors
- parents, carers and other adult family members of students, when they are attending College events or in a College environment
- people invited by the College or a staff member to attend a College event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

The College Environment

The “College environment” means any of the following physical, virtual or online places used during or outside school hours:

- a campus of the College
- online or virtual College environments made available or authorised by the EREA Board (or the Principal on its behalf) for use by a child or student (including email, intranet systems, software applications, collaboration tools and online services)
- other locations provided by the College or through a third-party provider for a child or student to use (including but not limited to:
 - camps
 - approved homestay accommodation
 - delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school
 - sporting events, excursions, competitions and other events.

Definitions and Key Indicators of Child Abuse and Other Harm

- [Key Definitions](#)
- [Offences Under the Crimes Act 1958 \(Vic\)](#)
- [Offences Under the Child, Youth and Families Act 2005 \(Vic\)](#)
- [Offences Under the Change or Suppression \(Conversion\) Practices Prohibition Act 2021 \(Vic\)](#)
- [Sexual Abuse and Sexual Offences](#)
- [Grooming Behaviour and Grooming Offences](#)
- [Physical Abuse and Physical Violence](#)
- [Serious Emotional or Psychological Harm and Significant Emotional or Psychological Harm](#)
- [Serious Neglect and Significant Neglect](#)
- [Family Violence](#)

- Change or Suppression of a Child's Sexual Orientation or Gender Identity
- Additional Vulnerabilities

Key Definitions

Definitions of Child and Young Person

A child and young person is defined in the Child Wellbeing and Safety Act 2005 (Vic), as a person who is under the age of 18 years.

However, for some of the criminal offences in the Crimes Act 1958 (Vic) (particularly those relating to sexual offences and grooming), a child is defined as a person under the age of 16 or a person aged 16 or 17 if the person is under the care, supervision or authority of the alleged offender. For the purposes of the Failure to Protect and Reporting to Police (Failure to Disclose) offences, a child is defined as a person under the age of 16.

For the purposes of Mandatory Reporting to Child Protection and Non-Mandatory Reporting to Child Protection of a child who may be in need of protection, a child is defined as a person under the age of 17 (unless the child is subject to a child protection order that continues in force, in which case a child is defined as under the age of 18).

For the purposes of Reportable Conduct and WWC Check obligations, a child is defined as a person under the age of 18.

Definitions of Child Abuse and Other Harm

At St Patrick's College, we use the phrase "child abuse and other harm" to mean all of the definitions, concepts and conduct in various Victorian laws which, together, provide guidance about what is considered child abuse and other harm in Victoria.

Legislative Definition of "Child Abuse"

Child abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) as including:

- any act committed against a child involving a sexual offence or a grooming offence under section 49M(1) of the Crimes Act 1958 (Vic)
- the infliction of physical violence
- the infliction of "serious" emotional or psychological harm; and

- the “serious” neglect of a child.

For more information about sexual and grooming offences that constitute child abuse within the meaning of the CWS Act, refer to [Offences under the Crimes Act 1958 \(Vic\)](#).

The terms “physical violence”, “emotional or psychological harm”, “neglect” and “serious” are not defined in the CWS Act. However, the term “serious” is defined in the Victorian Government’s [PROTECT](#) publication as occurring when the harm “has a lasting permanent effect”.

Other Definitions and Concepts Relevant to Child Abuse and Other Harm

Because the definition of “child abuse” in the CWS Act is quite limited, reference to other legislation and definitions is required to understand what is considered “child abuse and other harm” in Victoria.

“In Need of Protection”

Section 162 of the Child, Youth and Families Act 2005 (Vic) (CYF Act) is useful to understand what is considered child abuse and other harm in Victoria. While that section sets out the grounds for a child being considered “in need of protection”, these grounds make clear that the following are considered child abuse or other harm:

- physical injury
- sexual abuse (including likely future sexual abuse as a result of grooming)
- “significant” emotional or psychological harm
- “significant” neglect.

The terms “physical injury”, “emotional or psychological harm”, “neglect” and “significant” are not defined in the CYF Act. However, “significant”, in relation to both emotional or psychological harm and neglect, and for the purposes of the Reportable Conduct scheme, is defined in the CWS Act as harm that “is more than trivial or insignificant, but need not be as high as ‘serious’ and need not have a lasting permanent effect”.

Other Definitions of “Child Abuse”

Victoria Police’s definition of child abuse is also useful to understand what is child abuse and other harm. Victoria Police defines child abuse as “an act or omission that endangers a child’s physical or emotional health or development” and notes that it includes physical abuse, sexual abuse, emotional abuse, neglect and cumulative harm.

For more information about what the various legislative terms mean, refer to [Physical Abuse and Physical Violence](#), [Significant Emotional or Psychological Harm and Serious Emotional or Psychological Harm](#) and [Significant Neglect and Serious Neglect](#).

Family Violence as Harm to a Child

Family violence is incorporated into the definition of child abuse and other harm because, as the Preamble to the Family Violence Protection Act 2008 (Vic) notes, “exposure to family violence may have a serious impact on children's current and future physical, psychological and emotional wellbeing”. Exposure to family violence or to the effects of family violence could therefore constitute “child abuse” under the CWS Act and a ground for a child being in need of protection under the CYF Act.

Section 5 of the Family Violence Protection Act 2008 (Vic) defines “family violence” as behaviour by a person towards a family member that is:

- physically or sexually abusive
- emotionally or psychologically abusive
- economically abusive
- threatening
- coercive
- in any other way controlling or dominating of the family member and causes them to feel fear for their own, or other family members’ safety or wellbeing.

Section 5 also includes behaviours that cause a child to hear, witness, or be exposed to the effects of, the above behaviour as “family violence”.

Grooming as Harm to a Child

Grooming of a child is incorporated into the definition of child abuse and other harm because it is:

- conduct that could lead to a reasonable belief that the child is likely to suffer sexual abuse, which must be reported under the CYF Act (refer to [Mandatory Reporting to Child Protection](#))
- conduct which, if it amounts to a grooming offence under section 49M of the Crimes Act 1958 (Vic) or if it otherwise inflicts serious emotional or psychological harm on the child, is “child abuse” under the CWS Act
- in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) that must be reported to Police under section 327 of the Crimes Act (refer to [Reporting to Police](#)) and from

which persons at the College, who have the authority to do so, must protect students (refer to [Duty to Protect/Failure to Protect](#))

- sexual misconduct which must be reported to the Commission for Children and Young People under the CWS (refer to [Reportable Conduct](#))
- a breach of the [Child Safeguarding Codes of Conduct](#)

Refer to [Grooming Behaviour and Grooming Offences](#) for definitions and indicators of what might constitute grooming.

Attempting to Change or Suppress a Child's Sexual Orientation or Gender Identity as Harm to a Child

Harm to a child can also be caused by practices that attempt to change or suppress the child's sexual orientation or gender identity. These practices are prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic). For more information, refer to [Offences Under the Change or Suppression \(Conversion\) Practices Prohibition Act 2021 \(Vic\)](#) and [Change or Suppression of a Child's Sexual Orientation or Gender Identity](#).

Offences Under the Crimes Act 1958 (Vic)

Offences Against Children

The Crimes Act 1958 (Vic) (Crimes Act) sets out certain offences that may assist in understanding what is considered child abuse and other harm in Victoria.

While there is no definition of "child abuse" in the Crimes Act, there are a number of criminal offences that relate to children and young people that are included as "child abuse" under the CWS Act:

- sexual offences against children aged under 16
- sexual offences against children aged 16-17 who are under the care, supervision or authority of the offender
- grooming by an adult of children aged under 16
- grooming by an adult of another adult who has the child under their care, supervision or authority
- encouragement by an adult of child aged under 16, or a child aged 16-17 under the care, supervision or authority of the adult, to engage in or be involved in sexual activity
- offences related to child abuse material, including making (including by involving a child in making), producing, distributing, possessing, and administering websites containing this material

- recruitment by an adult of a child under the age of 18 to engage in or be involved in other criminal activity.

Particular Offences Relevant to the College Context

There are various sexual offences under the Crimes Act which relate to the unique relationship between a student and persons who may be considered staff members for the purposes of the Child Safeguarding Program.

These offences include:

- Section 49M: Grooming, including grooming of a person with care, supervision or authority of a child
- Sections 49C, 49E, 49G, and 49I: sexual activity with or in the presence of a child aged 16 or 17 under the care, supervision or authority of the offender
- Section 49L: encouraging a child aged 16 or 17 under the care, supervision or authority of the offender to engage in sexual activity.

Grooming of a person with care, supervision or authority for a child

In addition to the offence of grooming a child aged under 16, section 49M of the Crimes Act makes it a crime for an adult to communicate, by words or conduct (including by electronic communication), with another adult who has care, supervision or authority for the child, with the intention to facilitate the child engaging or being involved in the commission of a sexual offence.

This is a criminal offence in which a person associated with the College could be either the victim or the perpetrator. For example, it would be an offence for a Direct Contact Volunteer to groom a teacher who has care, supervision or authority for a child, with the intent to involve the child in a sexual offence.

Conduct which occurred outside Victoria or while the child or the person being groomed were outside Victoria can still constitute an offence.

For more information, refer to [Grooming Behaviour and Grooming Offences](#).

Sexual activity with or in the presence of a child aged 16 or 17 under the care, supervision or authority of the offender

The age of consent for sexual activity in Victoria is 16. However, sections 49C, 49E, 49G, and 49I of the Crimes Act make it a crime for adults to engage in sexual activity with or in the presence of

children aged 16 or 17 who are under their care, supervision or authority. The prohibited sexual activity includes:

- sexual penetration of the child, the adult or another person
- sexual assault (sexual touching) of the child, the adult or another person
- engaging in sexual activity in the presence of the child.

Encouragement to engage in sexual activity

It is a criminal offence for an adult to encourage a child to engage in, or to be involved in, sexual activity where the adult seeks or gets sexual arousal or sexual gratification from either the encouragement of the activity or from the sexual activity itself.

There are two “encouragement” offences in the Crimes Act:

- section 49K: encouraging a child under the age of 16 to engage in, or be involved in, sexual activity
- section 49L: encouraging a child aged 16 or 17 under care, supervision or authority to engage in, or be involved in, sexual activity.

A section 49K offence carries a maximum 10-year term of imprisonment. A section 49L offence carries a maximum five-year term of imprisonment.

An example of conduct prohibited by these offences is an adult asking a child to watch pornography and the adult obtaining sexual arousal either as a result of asking the child to do so or from the child actually doing so.

The Crimes Act defines ‘encourage’ as including “suggest, request, urge and demand”. Examples of encouragement include offering money or gifts or threatening harm. The encouragement can be done in person or by electronic communication. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

The type of sexual activity that the child may be encouraged to engage in, or be involved in, does not necessarily have to be a sexual offence in its own right for the encouragement behaviour to be captured by these offences. For example, if the child was encouraged, in contravention of sections 49K or 49L, to watch inappropriate material, the act of watching is not a sexual offence, but the encouragement to do so is.

It does not matter whether the sexual activity that was encouraged in fact involved or was engaged in by the child, and, if the sexual activity did involve or was engaged in by the child, it does not matter

whether the adult was present during the sexual activity.

The encouragement offences are in some respects more specific but other respects broader than the grooming offences. For example, encouragement behaviour would generally involve discussions of a sexual nature, while the grooming offences need not. The encouragement offences could also result from a single conversation between the offender and the child, while grooming offences would generally involve a pattern of behaviour. On the other hand, unlike the encouragement offences, grooming offences require that the intended sexual activity with the child constitute an indictable criminal offence.

Because the encouragement and grooming offences may involve similar behaviour, refer to [Grooming Behaviour and Grooming Offences](#) for definitions and indicators of what might constitute the encouragement offences.

Definition of Care, Supervision or Authority

For those persons who have a child under their care, supervision or authority, conduct that would normally not be a criminal offence can become a criminal offence. It is therefore important to understand the definition of the legal phrase 'care, supervision or authority' and its applicability to Staff.

Under section 37 of the Crimes Act the circumstances in which a person will have a child (under 18) under their care, supervision or authority include, but are not limited to, if the person is:

- the child's parent or stepparent
- the child's teacher
- the child's employer
- the child's youth worker
- the child's sports coach
- the child's counsellor/psychologist
- the child's health professional
- a person with parental responsibility for the child
- a religious or spiritual guide, or a leader or official (including a lay member) of a church or religious body, however any such guide, leader, official, church or body is described who provides care, advice or instruction to the child or has authority over the child
- a Police officer acting in the course of their duty in respect of the child.

At the College, persons in positions of care, supervision or authority over a child therefore include all teaching Staff, sports coaches, youth workers, counsellors/psychologists, registered nurses and religious leaders or officials.

Because the definition in section 37 is not limited to the above categories, persons in positions of care, supervision or authority may also include Direct Contact Volunteers and Direct Contact Contractors, such as tutors, persons who provide or assist at extra-curricular activities and persons who provide or assist at College camps and excursions.

For more information, refer to our [Child Safety Code of Conduct Policy and Procedures](#).

Student Sexual Offending

Children aged under 10 years are not considered capable of committing an offence. However, sexual behaviour towards any person by a child 10 years or over can constitute one of the sexual offences set out in the Crimes Act. Therefore, perpetrators of sexual offences against children can be other children aged 10 or over.

For more information about when sexual behaviour in a child may or may not constitute student sexual offending, and about how to respond to student sexual offending, refer to [Responding to Sexual Behaviour in Children](#) and to [Student Sexual Offending](#).

Offences Under the Child, Youth and Families Act 2005 (Vic)

The Child, Youth and Families Act 2005 (Vic) specifies certain offences that may be relevant to the College context and that may assist in understanding what is child abuse and other harm in Victoria.

Under section 493, it is an offence for a person who has a duty of care in respect of a child (aged under 16, or aged under 18 if there is a current child protection order in force) to:

- intentionally take action that has resulted or appears likely to result in:
 - significant harm to the child as a result of physical injury or sexual abuse
 - significant emotional or psychological harm to the child
 - significant harm to the child's physical development or health; or
- intentionally fail to take action that has resulted or appears likely to result in the child's physical development or health being significantly harmed.

Further, under section 494, it is an offence for a person who has the control or charge of a child to leave the child unattended for an unreasonable amount of time, without making reasonable provision

for the child's supervision and care.

Both of the above offences could be committed by a parent or carer but could also be committed by a member of Staff, a Volunteer or a Contractor at the College. As a result, all members of the College community must be aware that if they engage in certain conduct in breach of this Program, including in particular significant neglect, their conduct may constitute an offence under the Child, Youth and Families Act.

Offences Under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)

The Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic) (Conversion Act) prohibits a person or organisation from engaging in a "change or suppression practice" against another person (including a child). A "change or suppression practice" is defined under section 5 of the Conversion Act as "a practice or conduct directed towards a person, with or without their consent... for the purpose of:

- changing or suppressing the sexual orientation or gender identity of the person; or
- inducing the person to change or suppress their sexual orientation or gender identity."

Change or suppression practices do not include practices or conduct that is supportive of or affirms a person's gender identity or sexual orientation, such as counselling aimed at assisting a person who is considering or undergoing a gender transition or facilitating a person's coping skills, social support or identity exploration and development.

It is an offence under the Conversion Act for a person or organisation to:

- intentionally engage in change or suppression practice/s directed towards another person, which causes serious injury, and the person or organisation is negligent as to whether engaging in the practice/s will cause injury to the other person
- take a person outside of Victoria for the purpose of a change or suppression practice
- advertise a change or suppression practice.

Therefore, sexual orientation and gender identity conversion practices on a child are considered "child abuse and other harm" for the purposes of the Child Safeguarding Program.

For more information, refer to [Change or Suppression of a Child's Sexual Orientation or Gender Identity](#).

Sexual Abuse and Sexual Offences

Child sexual abuse is when a person uses their power or authority over a child to involve them in sexual activity. Children may be bribed or threatened physically or psychologically to make them participate in the activity, or manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

Child sexual exploitation is a form of sexual abuse where offenders use their power (physical, financial, or emotional) over a child to sexually abuse them. It often involves situations and relationships where young people receive something (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) in return for participating in sexual activities. Sometimes the young person may not even realise they are a victim.

Sexual offences, many of which are not child-specific, are defined in the Crimes Act 1958 (Vic) and include:

- rape
- sexual assault
- indecent acts
- other unwanted sexualised touching.

Specific sexual offences against children are outlined in Division 1, Subdivisions 8B and 8C of the Crimes Act 1958 (Vic). These sexual offences generally occur when a person:

- involves a child in particular kinds of sexual activity
- deliberately puts a child in the presence of sexual behaviour; or
- grooms or encourages a child to engage or be involved in sexual activity.

For more information, refer to [Offences Under the Crimes Act 1958 \(Vic\)](#).

The specific sexual offences of Grooming and Encouragement to engage in, or be involved in, sexual activity are dealt with in detail in [Grooming Behaviour and Grooming Offences](#) and [Encouragement to Engage in Sexual Activity](#). The breadth of these offences and the nature of professional boundaries between College Staff and students means that Staff must be aware that certain behaviours will not only breach the [Child Safety Code of Conduct](#), but may also amount to a criminal offence.

Sexual abuse and sexual offences can include a wide range of sexual activity including:

Contact Behaviours

- fondling the child's genitals
- oral sex
- vaginal or anal penetration by a penis, finger or other object

Non-Contact Behaviours

- exposure of the child to pornography
- talking to a child in a sexually explicit way
- sending sexual messages or emails to a child
- exposing a sexual body part to a child
- forcing a child to watch a sexual act
- having a child pose or perform in a sexual manner
- voyeurism and invasion of privacy

Possible Physical Indicators of Sexual Abuse and Sexual Offences

- injury to the genital or rectal areas, such as bruising or bleeding
- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating
- presence of foreign bodies in the vagina and/or the rectum
- inflammation or infection of the genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections

Possible Behavioural Indicators of Sexual Abuse and Sexual Offences

- the student discloses sexual abuse
- persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at school and leaving late

- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting
- sleeping difficulties
- reluctance to participate in physical or recreational activities
- regressive behaviour, such as bedwetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour
- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing, or layers of clothes to hide injuries
- promiscuity

Grooming Behaviour and Grooming Offences

Grooming refers to behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse. Grooming therefore includes behaviour aimed at a person with care, supervision or authority for a child, to make it easier to procure the child for sexual abuse or to ensure that, if the child does disclose, that the person does not believe the child. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity.

Grooming is defined as:

- the use of a variety of manipulative and controlling techniques
- with a vulnerable subject
- in a range of inter-personal and social settings
- in order to establish trust or normalise sexually harmful behaviour
- with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Grooming behaviour towards children often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated

with the child or young person's care and wellbeing, to create an environment in which sexual abuse can occur.

Grooming behaviours are considered:

- conduct that could lead to a reasonable belief that the child is likely to suffer sexual abuse, which must be reported under the Child, Youth and Families Act 2005 (Vic) (refer to [Mandatory Reporting to Child Protection](#))
- in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) that must be reported to Police under section 327 of the Crimes Act (refer to [Reporting to Police](#)) and from which persons at the College, who have the authority to do so, must protect students (refer to [Duty to Protect/Failure to Protect](#))
- sexual misconduct which must be reported to the Commission for Children and Young People under the Child Wellbeing and Safety Act 2005 (Vic) (refer to [Reportable Conduct](#))
- a breach of the [Child Safeguarding Codes of Conduct](#)

Overlap between Grooming Behaviour, Grooming Offences and Encouragement Offences

Refer to [Offences Under the Crimes Act 1958 \(Vic\)](#) for a description of the encouragement offences and a discussion of the differences between grooming offences and encouragement offences.

Grooming offences (including the offence of grooming a person who has the care, supervision or authority of a child aged under 16) and encouragement offences are included in the sexual offences against children that must be reported to Police by any adult who reasonably believes that the sexual offence has occurred. For more information, refer to [Reporting to Police](#). They are both also sexual offences from which persons at the College, who have the authority to do so, must protect students. For more information, refer to [Duty to Protect/Failure to Protect](#).

The behaviours that may constitute grooming and those that may constitute the encouragement offences overlap. For example, as part of the grooming process, a person may encourage a child to be involved in sexual activity and may do so through the provision of gifts or money.

However not all grooming behaviour is a grooming offence, not all grooming behaviour is an encouragement offence and not all encouragement offences involve grooming behaviour or a grooming offence. For example:

- Grooming behaviour by an older child towards a younger child is not a grooming offence because grooming offences can only be committed by persons aged 18 or over.

- Building a relationship with a child to gain trust is grooming behaviour and may be a grooming offence, but – unless there is also a specific act of encouragement for the child to engage in, or be involved in, a sexual activity – would not be an encouragement offence.
- Encouraging a child to be involved in sexual activity that does not itself constitute a sexual offence (for example, viewing pornography) may be an encouragement offence, and indeed may be grooming behaviour, but would not be a grooming offence.

While grooming behaviour, grooming offences and encouragement offences are distinct and separate, due to the possibility for overlap, the indicators set out below are likely to apply to all three.

Grooming Offences

Grooming is, in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) and an offence under sections 474.26 and 474.27 of the Criminal Code Act 1995 (Cth).

For the purposes of the Victorian offence, grooming is defined as:

- an adult communicating, by words or conduct (whether or not a response is made to the communication), with a child who is aged under 16 or with a person who has a child under their care, supervision or authority
- with the intent of facilitating the child engaging or being involved in the commission of a sexual offence by the offender or by another adult.

For information on what constitutes a sexual offence, refer to [Offences Under the Crimes Act 1958 \(Vic\)](#).

Conduct by the offender which occurred outside Victoria, but while the child or the person with care, supervision or authority for the child were in Victoria is included in the offence. Conduct by the offender which occurred inside Victoria, but while the child or the person with care, supervision or authority for the child were inside Victoria is also included in the offence.

Under the Criminal Code Act 1995 (Cth), “Using a carriage service to procure persons under 16 years of age”, and “Using a carriage service to groom persons under 16 years of age” are additional criminal offences.

Carriage services include services for carrying communications, such as the post, telephone services, internet access services and ‘voice over internet’ services.

For both of these offences, it is a crime for an adult (the sender) to use a carriage service to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient)

with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

Online Grooming

Online grooming is defined as an adult using electronic means (including social media) in a predatory fashion to try and lower a child's inhibitions, or heighten their curiosity regarding sexual behaviour or activity, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include communications through social media, online chat rooms, sexting or emails.

Both the Victorian and Commonwealth grooming offences include online grooming:

- for the purposes of the Victorian grooming offence, "communication" includes electronic communications.
- for the purposes of the Commonwealth grooming offences, "carriage" services specifically include telephone and internet services.

Identifying Grooming Behaviour, Grooming Offences and Encouragement Offences

Grooming can be very difficult to identify. Grooming includes a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

Encouragement offences may be more easily identified. Possible indicators of an encouragement offence could include an adult engaging in grooming behaviour that specifically involves communication with a child about sexual activity, communication that appears to threaten the child and/or the provision of money or gifts. The encouragement need not involve a pattern of behaviour.

Possible Grooming/Encouragement Behaviour by Adults Associated with the College

- persuading a child or group of children that they have a special relationship
- asking a child to keep the relationship to themselves
- inappropriately allowing a child to overstep the rules
- testing boundaries, for example by undressing in front of a child
- manoeuvring to get or insisting on uninterrupted time alone with a student
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it

- being overly interested in the sexual development of a student
- taking a lot of photos of a student
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery
- using inappropriate pet names
- making jokes or innuendo of a sexual nature
- making obscene gestures or using obscene language
- sending correspondence of a personal nature via any medium
- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a child's parent/stepparent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct
- inappropriately extending a relationship outside of work
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so

Indicators That a Child May Be Subject to Grooming/Encouragement

- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'
- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'

Indicators that a Child May Be Subject to Online Grooming/Encouragement

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increasing or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met them offline

What is Not Grooming?

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Similarly, not all physical contact between a student and a staff member or any person engaged by the College to provide services to children, including a Volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

Physical Abuse and Physical Violence

Physical child abuse can consist of any nonaccidental infliction of physical violence on a child by any person, which can result in nonaccidental injury or serious harm.

Physical violence can be inflicted in many ways including:

- beating
- shaking
- burning
- throwing
- biting
- using weapons (such as belts and paddles)

- poisoning
- giving children illegal drugs or inappropriate medication.

Physical abuse and physical violence do not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that can cause injury or trauma to the child.

Physical abuse and physical violence do not include reasonable discipline, though they can result from excessive or inappropriate discipline.

Possible Physical Indicators of Physical Abuse and Physical Violence

- unexplained bruises
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
- fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia
- human bite marks
- bald patches where hair has been pulled out
- multiple injuries, old and new

Possible Behavioural Indicators of Physical Abuse and Physical Violence

- inconsistent or unlikely explanation for an injury
- inability to remember the cause of an injury
- fear of specific people
- wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries
- wariness or fear of a parent/carer and reluctance to go home
- no reaction or little emotion displayed when hurt
- little or no fear when threatened
- habitual absences from school without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared)
- overly compliant, shy, withdrawn, passive and uncommunicative
- fearfulness when other children cry or shout

- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others
- excessively friendly with strangers
- regressive behaviour, such as bed wetting or soiling
- poor sleeping patterns, fear of dark, nightmares
- sadness and frequent crying
- drug or alcohol misuse
- poor memory and concentration
- suicide attempts
- academic problems

Serious Emotional or Psychological Harm and Significant Emotional or Psychological Harm

The infliction of emotional or psychological harm is one of the most common forms of child abuse and other harm. It can occur where the behaviour of an adult associated with the child damages the confidence and self-esteem of the child, resulting in emotional deprivation or trauma. Psychological or emotional harm may occur with or without other forms of abuse.

Where the emotional or psychological harm to a child is “serious” or “significant”, it may need to be reported to an external agency, such as to the Commission for Children and Young People under the Reportable Conduct Scheme or [Non-Mandatory Reporting to Child Protection](#).

“Serious” emotional or psychological harm is the highest level of emotional or psychological harm and constitutes “child abuse” under the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act). It occurs when the harm has a lasting permanent effect.

“Significant” emotional or psychological harm can be defined with reference to section 3 of the CWS Act which states:

- “Significant, in relation to emotional or psychological harm ... means that the harm ... is more than trivial or insignificant but need not be as high as serious and need not have a lasting permanent effect.”

Both significant emotional or psychological harm and serious emotional or psychological harm can result from a child being repeatedly rejected, isolated or frightened by threats, or the witnessing of family violence. Behaviours that can cause significant or serious emotional or psychological harm also include hostility, derogatory name-calling and put-downs, or persistent coldness from a person,

to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired.

Significant or serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Any adult associated with a child can subject the child to behaviours that may cause significant or serious emotional or psychological harm. At the College, this can include parents, teachers, sporting coaches, musical tutors and Direct Contact Volunteers or Direct Contact Contractors.

Where the adult is an employee within the meaning of the Reportable Conduct Scheme, behaviour that causes (at a minimum) significant emotional or psychological harm to a child is reportable under that scheme. For more information, refer to [Reportable Conduct](#).

Regardless of who the adult who undertakes this behaviour may be, if the child's parents have not protected, or are unlikely to protect, the child from (at a minimum) significant emotional or psychological harm, it is a ground for suspecting that the child is in need of protection, which can be reported to Child Protection. For more information, refer to [Non-Mandatory Reporting to Child Protection](#).

Possible Physical Indicators of Significant or Serious Emotional or Psychological Harm

- speech disorders
- delays in emotional, mental or even physical development
- physical signs of self-harming

Possible Behavioural Indicators of Significant or Serious Emotional or Psychological Harm

- exhibiting low self-esteem
- exhibiting high anxiety
- overly compliant, passive or undemanding behaviour
- extremely demanding, aggressive, or attention-seeking behaviour
- anti-social, destructive behaviour
- low tolerance or frustration
- unexplained mood swings
- self-harming
- behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling)

- fear of failure, overly high standards and excessive neatness
- depression, or suicidal thoughts
- running away
- violent drawings or writing
- contact with other students forbidden

Serious Neglect and Significant Neglect

Neglect is the failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Any person with responsibility for a child can neglect the child, including parents/carers, Staff, Volunteers or Contractors at the College.

Where the neglect is “significant” or “serious”, it may need to be reported to an external agency, such as to the Commission for Children and Young People under the Reportable Conduct Scheme or Non-Mandatory Reporting to Child Protection.

“Serious” neglect is the highest level of neglect and constitutes “child abuse” under the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act). “Serious” neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child’s health or physical development is, or is likely to be, significantly impaired or placed at serious risk. Serious neglect can also occur if an adult fails, on a single occasion or otherwise, to adequately ensure the safety of a child such that the child is exposed to extremely dangerous or life-threatening situations.

Although “serious” neglect is most likely to occur as a result of inactions by a child’s parent, any person with responsibility for a child can seriously neglect a child, including Staff, Volunteers or Contractors at the College. “Serious” neglect must be reported to the relevant external agency. For more information, refer to Non-Mandatory Reporting to Child Protection and Reportable Conduct.

“Significant” neglect can be defined with reference to section 3 of the CWS Act which states:

- “Significant, in relation to ... neglect, means that the harm or neglect is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.”

In relation to neglect by a parent/carer, “significant” neglect is when the child’s parents have not provided, arranged or allowed the provision of basic care or effective medical, surgical or other remedial care, or are unlikely to do so, such that the child’s physical development or health has been or is likely to be significantly harmed. Neglect by parents/carers that meets this definition may mean

that should Child Protection be notified. For more information, refer to [Non-Mandatory Reporting to Child Protection](#).

“Significant” neglect can also result from the actions or inactions of Staff, Volunteers or Contractors at the College, in which case it constitutes Reportable Conduct.

In relation to Staff, Volunteers and Contractors, “significant” neglect is defined by the Commission for Children and Young People as “a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so”. Significant neglect by Staff, Volunteers or Contractors that meets this definition must be reported to the Commission for Children and Young People under the Reportable Conduct scheme. For more information, refer to .

Possible Physical Indicators of Significant or Serious Neglect

- consistently dirty and unwashed
- consistently inappropriately dressed for weather conditions
- consistently without adequate supervision and at risk of injury or harm
- consistently hungry, tired and listless, falling asleep in class, or malnourished
- unattended health problems and lack of routine medical care
- inadequate shelter and unsafe or unsanitary conditions
- abandonment by parents
- poor hygiene

Possible Behavioural Indicators of Significant or Serious Neglect

- begging or stealing food
- gorging when food is available
- inability to eat when extremely hungry
- alienated from peers, withdrawn, listless, pale, and thin
- aggressive behaviour
- delinquent acts, for example, vandalism, drug or alcohol abuse
- little positive interaction with parent/carer
- appearing miserable or irritable
- poor socialising habits
- poor evidence of bonding, or little stranger anxiety
- indiscriminate with affection

- poor, irregular or non-attendance at school or kindergarten/childcare
- staying at school for longer hours
- self-destructive
- dropping out of school
- taking on an adult role of caring for a parent
- misusing alcohol or drugs
- academic issues

Family Violence

In Victoria "family violence" is a crime. It is defined in section 5 of the Family Violence Protection Act 2008 (Vic) as behaviour by a person towards a family member that is:

- physically or sexually abusive
- emotionally or psychologically abusive
- economically abusive
- threatening
- coercive or
- in any other way controlling or dominating of the family member and causes them to feel fear for their own, or other family members' safety or wellbeing.

Section 5 also includes in its definition of 'family violence' behaviours that cause a child to hear, witness, or be exposed to the effects of the above behaviour.

A child being a victim of or being exposed to family violence therefore could therefore constitute "child abuse" under the Child Wellbeing and Safety Act 2005 (Vic) and/or a ground for a child being in need of protection under the Child, Youth and Families Act (2005) (Vic).

As family violence can result in one or more forms of child abuse (being sexual abuse/sexual offences, physical abuse/physical violence, significant/serious emotional or psychological harm or significant/serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Behavioural Indicators for Older Children and Young People

- moving away or running away from the family home
- entering a relationship early to escape the family home
- experiencing violence in their own dating relationships

- involvement in criminal activity
- alcohol and substance abuse

Change or Suppression of a Child's Sexual Orientation or Gender Identity

A “change or suppression practice” is defined under section 5 of the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic) (Conversion Act) as a practice or conduct directed towards a person (with or without their consent) for the purpose of:

- changing or suppressing the sexual orientation or gender identity of the person; or
- inducing the person to change or suppress their sexual orientation or gender identity.

Section 4 of the Equal Opportunity Act 2010 (Vic) defines:

- **gender identity** as “a person's gender-related identity, which may or may not correspond with their designated sex at birth, and includes the personal sense of the body (whether this involves medical intervention or not) and other expressions of gender, including dress, speech, mannerisms, names and personal references”; and
- **sexual orientation** as “a person's emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender”.

Under section 5(3) of the Conversion Act, a change or suppression practice (whether directed towards a person in person, or remotely (including online)) includes, but is not limited to:

- providing a psychiatry or psychotherapy consultation, treatment or therapy, or any other similar consultation, treatment or therapy
- carrying out a religious practice, including but not limited to, a prayer based practice, a deliverance practice or an exorcism
- giving a person a referral for the purposes of a change or suppression practice being directed towards the person.

Under section 5(2) of the Conversion Act, the following practices or conduct is not a change or suppression practice if:

- it is supportive of or affirms a person's gender identity or sexual orientation including, but not limited to, a practice or conduct for the purposes of:
 - assisting a person who is undergoing a gender transition; or
 - assisting a person who is considering undergoing a gender transition; or

- assisting a person to express their gender identity; or
- providing acceptance, support or understanding of a person; or
- facilitating a person's coping skills, social support or identity exploration and development;
or
- it is a practice or conduct of a health service provider that is, in the health service provider's reasonable professional judgement, necessary:
 - to provide a health service; or
 - to comply with the legal or professional obligations of the health service provider.

Research on the impacts of sexual orientation and gender identity change or suppression practices notes that there is significant evidence that these are harmful to LGBTQI+ people and that they can lead to depression, anxiety, drug use, homelessness and suicide.

As sexual orientation and gender identity change or suppression practices can involve or result in one or more forms of child abuse (in particular, sexual abuse, physical abuse, emotional or psychological abuse or neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a LGBTQI+ child being subjected to sexual orientation and gender identity change or suppression practices.

Additional Vulnerabilities

All children and young people are vulnerable to abuse and other harm. They are vulnerable because of their dependence on adults, because they are physically weaker than adults and because they lack social and legal power.

Some children and young people are more vulnerable to abuse and other harm.

Aboriginal and Torres Strait Islander children and young people, children and young people with a disability, and children and young people from culturally and linguistically diverse backgrounds face particular challenges, not because they are inherently more vulnerable, but because they more often encounter circumstances that:

- place them in institutions with higher risk
- make it less likely they will be able to disclose abuse or other harm
- make it more likely they will receive an inadequate response to abuse or other harm,

than other children and young people.

A variety of related factors may influence the vulnerability of a child or young person to abuse and other harm, including:

- the gender of the child or young person
- the age and developmental stage of the child or young person
- whether the child or young person has experienced maltreatment previously
- whether the child or young person has disability, and the nature of that disability
- the family characteristics and circumstances of the child or young person
- the nature of the child or young person's involvement with the institution
- other factors, including the child or young person's physical characteristics, social isolation, high achievement, lack of understanding of sexual behaviour (including sexual abuse) and personal safety, and sexual orientation.

Being vulnerable does not mean that a child or young person will be abused, although it does increase that risk. It is also important to remember that all children and young people can be vulnerable to all types of abuse and other harm.

Gender

Gender influences the type of maltreatment children and young people are likely to experience. Girls may be more likely to be a victim of child sexual abuse than boys, and boys may be more likely to be physically abused than girls.

Gender also influences children and young people's vulnerability to intra-familial or extra-familial abuse. Boys may be more likely than girls to be sexually victimised by extra-familial abusers and to have multiple male abusers, while girls may be at greater risk than boys from intra-familial child sexual abuse.

While there are gender patterns in the types of abuse children and young people experience, this does not mean that boys are not vulnerable to sexual abuse or that girls do not experience physical abuse.

Age and Developmental Stage

A child or young person's age and developmental stage and differing degrees of dependency on others for survival and wellbeing are factors that can influence their risk of abuse and other harm.

During primary school years, children come into contact with a wide range of adults because they are involved with less home-based activities such as school, sport, leisure interests and social activities

and their related organisations, and are therefore more vulnerable to abuse perpetrated by a non-family member than younger children.

Around the transition to secondary school, peer relationships may become more influential and children and young people may exercise greater autonomy and independence. Children and young people become more entrusted with responsibility for some aspects of their own safety, free of direct parental supervision. Puberty can lead to emotional and physical changes, which may lead to an increased interest in romantic relationships. As children develop into teenagers, they may explore their sexuality and sexual identity. This may put them at increased risk of sexual abuse.

Previous Maltreatment

Children and young people who have experienced maltreatment in the past (for example, children and young people already in the child protection system) have an increased vulnerability to further abuse. In addition, most children and young people who have been maltreated experience multiple types of abuse and neglect. Children and young people previously maltreated by a family member are vulnerable to further maltreatment by an extra-familial perpetrator, including in institutions.

There are a number of possible reasons why children and young people who have already experienced maltreatment have a higher risk of being maltreated again, including:

- the impact on the child or young person's psychological development from the previous maltreatment,
- ongoing inadequate supervision and attention, leaving the child or young person vulnerable to predatory perpetrators of child sexual abuse.

Disability

Children and young people with disability are particularly vulnerable to abuse and other harm across all settings. Some studies suggest children and young people with disability have a heightened risk of sexual abuse by professionals compared to other children and young people.

The risk of abuse varies with the level and type of impairment. Children and young people with intellectual disability, communication disorders or behavioural disorders are at particularly higher risk of all forms of abuse and harm.

Family Characteristics and Circumstances

Certain factors related to a child or young person's family characteristics and circumstances can increase the likelihood they will be subjected to abuse or other harm in all settings. These include:

- family conflict, violence or breakdown
- a poor relationship with a primary carer
- a lack of parental supervision or availability
- family devotion or loyalty to an institution.

The Nature of the Child or Young Person's Involvement with Various Institutions

Children and young people who spend more time in institutional settings may be at greater risk of abuse than other children and young people. While children and young people's involvement in institutions tends to increase as they get older, there are specific groups of children and young people who are involved in institutions at higher rates throughout their childhood and who therefore may be more at risk of abuse or other harm at those institutions. For example:

- many children and young people with disability spend large amounts of time involved with institutions
- Aboriginal and Torres Strait Islander children and young people are over-represented in out-of-home care and youth detention
- other groups of children and young people who can spend significant periods of time in institutional contexts include children and young people with illness, children and young people who are high achievers (for example, in sport, music or dance), and children and young people in immigration detention facilities.

Other Factors

Physical Characteristics

In a study of children and young people's views of safety done by the Royal Commission into Institutional Responses to Child Sexual Abuse, some children and young people described how they felt vulnerable when they were physically powerless compared to adults or peers. Others said they felt they were vulnerable to bullying and intimidation by others, especially older children, because of their relative physical weakness or other physical characteristics.

Social Isolation

Several studies have identified social isolation as a risk factor for child sexual abuse across all settings. Social isolation may mean that a child or young person is vulnerable because they are less likely to disclose the abuse, or that others may be less likely to believe them if they do disclose.

High Achievement

High-achieving children and young people can have increased levels of involvement with institutions. This may make them be more visible and accessible to potential perpetrators.

High-achieving children and young people may be more vulnerable because they may not disclose abuse or other harm, so as to avoid the consequences of being excluded or removed from the institution that is supporting their achievements or losing out on opportunities. This may especially be the case for children and young people who are elite athletes or performers who do not want to jeopardise their career. This may also apply to any situation where a child or young person excels and is dependent on a coach or tutor.

Parents of high-achieving children and young people can also be highly invested in an institution, and as a consequence may not be alert to the signs of abuse or other harm, or may feel that they cannot raise concerns because their child may lose out on opportunities, or a promising career.

Lack of Understanding about Sexual Behaviour, Including Sexual Abuse and Personal Safety

An inadequate understanding about sexual abuse may be more prevalent among some groups of children and young people, because of a lack of education on sexual behaviour and personal safety. Research also suggests that some perpetrators of child sexual abuse may target children and young people who have a lack of knowledge about sex and sexuality.

Sexual Orientation

Research indicates that lesbian, gay and bisexual people are significantly more likely to be bullied, discriminated against, physically and sexually assaulted, verbally, and emotionally abused, and threatened than those who are not.

Due to prevalent negative views of homosexuality in Australia over many decades, children and young people, and their families, may consider a child or young person's emerging sexual orientation a shameful secret to be kept from families and friends. Some same-sex attracted or gender-questioning children and young people have found the family home to be unsupportive. Perpetrators of child sexual abuse may exploit this disconnection from the family, particularly among those who conceal their sexuality due to fear or shame.

Gender Identity

There is some evidence from international research that gender identity is an important indicator of children and young people at increased risk of physical, sexual, and psychological abuse. One study

found that gender-questioning young people were at greater risk of homelessness and physical abuse.

Child Protection Law and Regulation in Victoria - An Overview (Vic)

The legal and regulatory framework for child safety and wellbeing in Victoria is made up of a complex web of laws, regulations and guidance notes.

The commentary below provides an overview of the framework.

Victorian Child Safe Standards and Ministerial Order 1359

The [Victorian Child Safe Standards](#) are designed to improve the way that all organisations that provide services to children, including schools, prevent and respond to child abuse. These Standards are 'principle-based' which means that, while they have the force of law, how the Standards are applied in practice is open to interpretation and will depend largely on the size, nature and complexity of the organisation that is seeking to comply with the Standards.

The College is required by Part 6 of the Child Wellbeing and Safety Act 2005 (Vic) to comply with the Victorian Child Safe Standards (the Child Safe Standards).

To provide a higher level of guidance for schools the Minister of Education has published [Ministerial Order 1359](#) under the Education and Training Reform Act 2006 (Vic) that contains requirements that all registered schools must meet to comply with each of the Child Safe Standards.

Refer to [Compliance with the Child Safe Standards and Ministerial Order 1359](#) for more information about how we comply with each Standard and its corresponding clauses in Ministerial Order 1359 at St Patrick's College, as required by the Minister of Education.

Prescriptive Legal and Regulatory Requirements

There are a number of separate pieces of legislation that work together to make up the legal and regulatory framework for child safety and wellbeing in Victoria. They are in summary:

[The Children, Youth and Families Act 2005 \(Vic\)](#)

The Children, Youth and Families Act has many functions including:

- establishing the “child’s best interests” principle
- regulation of community services and care providers

- the management of child protection responses
- children in need of therapeutic treatment if exhibiting sexually inappropriate behaviour
- promoting stability in care arrangements.

For our Child Safeguarding Program the Children, Youth and Families Act is important because it establishes obligations with respect to Mandatory Reporting to Child Protection and provides guidance as to what is considered child abuse and other harm.

Child Wellbeing and Safety Act 2005 (Vic)

The Child Wellbeing and Safety Act is a companion piece of legislation to the Children, Youth and Families Act.

Its primary function is to provide for the establishment of various government bodies that oversee the Victorian child and family services system.

For our Child Safeguarding Program, the Child Wellbeing and Safety Act is important for three reasons:

- it provides a statutory definition of “child abuse” for particular purposes
- it is the Act through which the Victorian Child Safe Standards are created
- it is the Act through which the Reportable Conduct Scheme in Victoria is established.

Education and Training Reform Act 2006 (Vic)

From a child safety perspective, the key functions of the Education and Training Reform Act are to:

- require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher
- make compliance with the Victorian Child Safe Standards a requirement for registration of all Victorian schools.

Worker Screening Act 2020 (Vic)

The Worker Screening Act establishes a framework to screen the criminal records and the professional conduct of people who intend to work with or care for children.

People who are assessed as posing an unjustifiable risk to the safety of children will fail the WWC Check, and the Act prohibits these people from working with children.

The Act imposes penalties for schools and individuals that do not comply with the Act.

Crimes Act 1958 (Vic)

The Crimes Act in Victoria sets out a number of child abuse and harm related offences and key definitions, including those relating to indecent acts and persistent sexual abuse.

Of key relevance to the Victorian child protection framework and the College environment are the offences of:

- **Grooming** – which targets predatory conduct designed to facilitate later sexual activity with a child
- **Encouraging a Child to Engage in Sexual Activity** – which is a broader preparatory sexual offence than grooming, and targets behaviour that encourages sexual activity of children
- **Failure to Protect** – which requires people in authority within a school to take action to protect children where they know that a person associated with the school poses a substantial risk of sexually abusing a child (including the sexual offence of grooming a person who has the care, supervision or authority of a child aged under 16) in Victoria
- **Failure to Disclose** – which applies to all adults, not just professionals who work with children, and in effect requires mandatory Reporting to Police, if they hold a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria.

Family Violence Protection Act 2008 (Vic)

The Family Violence Protection Act is designed to maximise safety for children and adults who have experienced family violence and forms a key part of the overall legal and regulatory framework for child protection in Victoria.

Critically the Act provides an extensive definition of “family violence” that includes behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour.

Wrongs Act 1958 (Vic)

The Wrongs Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in Victoria, as a result of negligence or fault. It is through this Act that child abuse victims may claim compensation for loss arising from child abuse.

Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. If the victim of physical or sexual abuse alleged to have

occurred at the College or to have involved College Staff, Volunteers or Contractors brings a claim against the College, a court will presume that the College breached its duty of care unless the College can prove that it took reasonable precautions to prevent the abuse.

Whether or not a school took reasonable precautions will be assessed by the court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the College's risk management strategies in [Child Safeguarding Risk Management Policy and Procedures](#) is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

It is important to note that the operation of section 91 is subject to section 5.4.10 of the Education and Training Reform Act which states that St Patrick's College will not have a duty relating to the care or control of a student while that student is employed under an approved work experience arrangement, structured workplace arrangement or an apprentice contract.

Our Child Safeguarding Program

In order to comply with the Victorian Child Safe Standards and Ministerial Order No 1359, as well as each of the seven separate pieces of legislation noted above, St Patrick's College has established this Child Safeguarding Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a child safe culture.

Child Safeguarding Additional Resources

Public Facing Documents

Insert Name of and Link to Complaints Handling Policy

Child Safeguarding Complaints Management Policy and Procedures

Child Safeguarding Record Keeping

[PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)

Child Safeguarding Standards and Implementation

Commission for Children and Young People, [The Victorian Child Safe Standards](#), 2018

Minister for Education, Implementing the Child Safe Standards - Managing the Risk of Child Abuse in Schools and School Boarding Premises, [Ministerial Order 1359](#), 2022

Victorian Registration and Qualifications Authority, [Guidelines to the Minimum Standards and Requirements for School Registration](#)

[EREA Child Safeguarding Standards Framework](#)

Australian Human Rights Commission, [National Principles for Child Safe Organisations](#)

Australian Catholic Safeguarding Ltd, [National Catholic Safeguarding Standards](#)

Royal Commission into Institutional Responses to Child Sexual Abuse, [Final Report Volume 6 – Making Institutions Child Safe](#)

Commission for Children and Young People, [Empowerment and Participation – A Guide for Organisations Working with Children and Young People](#)

Commonwealth of Australia, Department of the Prime Minister and Cabinet, [Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations](#)

Mandatory Reporting to Child Protection

Department of Education and Training, [Your Reporting and Legal Obligations](#), 2018

Department of Health and Human Services, [Reporting child abuse](#), 2018

Department of Health and Human Services, [Online Child Protection Manual](#)

Joint protocol by Department of Health and Human Services, [Department of Education and Early Childhood Development](#), Licensed Children's Services and Victorian Schools Protecting the Safety and wellbeing of children and young people

Department of Health and Human Services, [Mandatory Reporting to Child Protection in Victoria – frequently asked questions](#)

Responding to Child Safety Incidents or Concerns

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, , [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#), 2018

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT [Four Critical Actions for Schools: Responding to Incidents, Disclosures or](#)

Suspicions of Child Abuse, 2018

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools, 2018

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Four Critical Actions for Schools: Responding to Student Sexual Offending

Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria, Responding to Suspected Student Sexual Offending: A Template for all Victorian Schools

Working with Children Checks

Department of Justice and Community Safety, Working with Children Check Victoria website

Reportable Conduct Scheme

Commission for Children and Young People, Reportable Conduct Scheme, 2018

Commission for Children and Young People, Guidance for Organisations: Investigating a Reportable Conduct Allegation

Reporting to Police

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