

St Malachy's Child Safety and Wellbeing Policy

St Malachy's operates with the consent of the Bishop of the Catholic Diocese of Ballarat and is owned, operated and governed by Diocese of Ballarat Catholic Education Limited (DOBCEL).

Rationale

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

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 1359](#). DOBCEL, as governing authority, and the principal have direct responsibility for ensuring that the requirements of MO (Ministerial Order) No 1359 are met within the school.

This policy applies to all school staff, including school employees, volunteers, contractors, and those in religious ministry.

This policy should be read in conjunction with the following related DOBCEL and school policies, procedures and guidelines:

1. DOBCEL Child Safe Governance Policy and Procedures
2. DOBCEL Safeguarding Children and Young People: Code of Conduct
3. DOBCEL PROTECT: Reporting and Responding Obligations Policy
4. [School] PROTECT: Reporting and Responding Obligations Procedures for Schools
5. DOBCEL PROTECT: Reportable Conduct Scheme Policy
6. DOBCEL PROTECT: Identifying and Responding to Student Sexual Offending
7. DOBCEL Child Safe Risk Management Guidelines
8. [School] Engaging Families and Caregivers in Child Safety Policy
9. DOBCEL Student Empowerment and Participation Policy
10. [School] Bullying Prevention (including Cyberbullying) Policy
11. [School] Diversity and Equity Policy
12. [School] Complaints Handling Policy and Procedures

School Profile

A St Malachy's has been providing quality Catholic education for over 70 years to the Edenhope region. The school is open to Catholic and non catholic students and provides a positive learning environment for all. Our staff are committed to fostering the growth of the whole child and a love of learning.

St Malachy's considers that awareness of, recognition of, and responsiveness to the needs and rights of all individuals are essential to human dignity. Inclusive practices embrace and celebrate diversity, invite belonging and provide opportunities for participation and achievement of appropriate learning outcomes.

Policy Statement

As partners with families, caregivers and guardians in Catholic education and open to God's presence, St Malachy's pursues fullness of life for all its children and young people and the school community to ensure the care, safety, wellbeing, and protection of its students. Together in God's love, St Malachy's will empower children and young people to encounter the future with respect, courage and kindness, enriched by life-giving relationships and inspired to bring the Gospel to life.

The care, safety and wellbeing of children and young people is a central and fundamental responsibility of St Malachy's. ([CECV Commitment Statement to Child Safety](#)).

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

The St Malachy's Child Safety and Wellbeing Policy reflects the school community's shared commitment and expectations in relation to child safety in the school. This Policy provides an overview of child safety commitments, clear expectations, strategies and processes in place in the school to embed a culture where the safety of children is paramount.

This Policy provides an overview of how St Malachy's will:

- Promote child safety and protection of children from abuse
- Comply with the requirements of Ministerial Order 1359 – Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises
- Seek to mitigate and prevent the risk of abuse; and
- Respond to any allegations of child abuse in the school community.

St Malachy's has a moral, legal and mission-driven responsibility to create a nurturing school environment where children and young people are respected, their voices are heard, and they are safe and feel safe ([CECV Commitment Statement to Child Safety](#)).

The following beliefs underpin the commitment to child safety at St Malachy's:

- All children and young people deserve, as a fundamental right, safety, and protection from all forms of abuse and neglect
- The school is committed to a vision for creating children and young people who understand respect and kindness
- The school operates in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection
- All children and young people have the right to a thorough education in all aspects of personal safety, in partnership with their families, carers and guardians
- All adults in the school, including teaching and non-teaching staff, clergy, volunteers, and contractors, have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse
- The policies, guidelines, and codes of conduct for the care, wellbeing and protection of children and young people are based on honest, respectful, and trusting relationships with adults
- Policies and practices demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police, and human services agencies.

- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity, and respect
- All members of the school community (including children and young people and their families) are kept informed of child safety and wellbeing matters (where appropriate) and are involved in promoting child safety and wellbeing
- Children and young people, staff, clergy, volunteers, contractors, families, carers and guardians, should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally (including under legislated information sharing schemes being Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS)) or pastorally.

This Policy should be read in conjunction with all other school and DOBCEL Child Safe policies, which provide more detailed procedures and with the CECV Positive Behaviour Guidelines 2018.

Policy Commitments

All students enrolled at St Malachy's have the right to feel safe and be safe. The safety and wellbeing of children in the school's care will always be St Malachy's first priority and the school will not tolerate child abuse. The school will create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. Particular attention is paid to the most vulnerable children and young people, including Aboriginal and Torres Strait Islander children, those from culturally and/or linguistically diverse backgrounds, children with a disability, children who are unable to live at home, international students, and LGBTQIA+ students.

To students, St Malachy's commits to:

- The safety and wellbeing of all children and young people enrolled in the school
- Providing children and young people with positive and nurturing experiences
- Listening to children and young people and empowering them by ensuring that they understand their rights (including safety, information and participation), and by taking their views seriously and addressing any concerns that they raise with us
- Taking action to ensure that children and young people are protected from abuse or harm
- Ensuring that the needs of all children and young people enrolled in the school are met, especially those who are most vulnerable
- Recognising the importance of friendships and to encouraging support from peers, to help children and young people feel safe and less isolated
- Developing a culture that facilitates and provides opportunities for children and student participation, and that strengthens the confidence and engagement of children and young people by being responsive to their input
- Teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing
- Seeking input and feedback from children and young people regarding the creation of a safe school environment.

To families, carers and guardians, St Malachy's commits to:

- Communicating honestly and openly with families, carers and guardians about the wellbeing and safety of their children and young people

- Engaging with, and listening to, the views of families, carers and guardians about the child- safety and wellbeing practices, policies, and procedures
- Transparency in decision-making with families, carers and guardians where it will not compromise the safety of children or young people
- Open engagement and communication with families, carers and guardians about a child safe approach and operations and governance related to child safety and wellbeing
- Ensuring that relevant information relating to child safety and wellbeing is accessible to families, carers and guardians
- Acknowledging the cultural diversity of children and young people and their families and being sensitive to how this may impact on student safety issues
- Continuously reviewing and improving our systems to protect children and young people from abuse.

To school staff (school employees, volunteers, contractors, and those in religious ministry), St Malachy's commits to:

- Providing all St Malachy's staff with the necessary support to enable them to fulfil their roles, and to ensure that staff are attuned to recognise signs of harm and can facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns. This will include regular and appropriate learning opportunities
- Providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety and Wellbeing Policy and DOBCEL Safeguarding Children and Young People: Code of Conduct, training in mandatory reporting obligations and staff responsibilities to report concerns
- Listening to all concerns voiced by St Malachy's employees, clergy, volunteers, and contractors about keeping children and young people safe from harm
- Providing opportunities for St Malachy's employees, volunteers, contractors, and clergy to receive formal debriefing and appropriate assistance arising from incidents of the abuse of a child or young person.

Responsibilities

Everyone employed or volunteering at St Malachy's has a responsibility to understand the important and specific role they play individually and collectively to ensure that the wellbeing and safety of all children and young people is foremost of what they do and every decision made.

Guide to Responsibilities of School Leadership

Diocese of Ballarat Catholic Education Limited (DOBCEL), the principal and school leaders at St Malachy's recognise their responsibility, to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety and wellbeing.

Responsibilities include:

- Creating an environment and culture for children and young people to be safe and to feel safe
- Upholding high principles and standards for all staff, those in religious ministry, volunteers, and contractors
- Promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- Ensuring robust practices are applied in the recruitment, screening, and ongoing professional learning of staff and volunteers

- Ensuring that school personnel have regular and appropriate learning to prevent, identify and address child safety and wellbeing matters
- Providing staff with regular opportunities to clarify and confirm their legislative obligations, policy, and procedures in relation to child and young people's protection and wellbeing
- Ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 1359](#)
- Ensuring the school takes specific action to protect children from abuse in line with the three new criminal offences introduced under the Crimes Act 1958 (Vic.) and in line with the [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)
- Ensuring that the school has in place appropriate risk management strategies and practices that focus on preventing, identifying and mitigating risks related to child safety and wellbeing in the school environment
- Ensuring the school understands and reports all matters that may constitute reportable conduct under the Reportable Conduct Scheme and in accordance with the school's reportable conduct policy
- Sharing information under legislated information sharing schemes (CISS and FVISS) in accordance with the school's prescribed role as an Information Sharing Entity (ISE)
- Ensuring that the school monitors and reviews the risks related to child safety and wellbeing, including evaluating the effectiveness of the implementation of its risk controls, on an annual basis.

Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers, contractors, and those in religious ministry) include:

- Providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- Treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- Following the legislative and internal school policies, procedures and processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- Undertaking regular training and education to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people, including ways to prevent, identify and mitigate risks relating to child safety and wellbeing
- Assisting children and young people to develop positive, responsible, and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- Following the school's Safeguarding Children and Young People Code of Conduct
- Where risks of child abuse are identified, ensuring that action is taken to mitigate those risks and that risks and actions are appropriately recorded.

Organisational Arrangements

The principal has overall responsibility in monitoring and responding to the policy, procedures and practices for child safety and wellbeing at St Malachy's in accordance with this policy.

The Child Safety Officer has a role description that is available in the staff and parent handbooks:

- The Child Safety Officer will participate in the diocesan child safety network
- The Leadership Team including the Principal and Child Safety Officer works in identifying and

mitigating risks in child safety

- The Principal is responsible for informing staff, children and young people and school community on policies, procedures and practices and identifying professional learning.

Having a child safety team does not remove or displace any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. A person who forms a reasonable belief must act on it.

At St Malachy's the Principal leads the Child Safety & Wellbeing Team. The Child Safety & Wellbeing Team undertakes risk management assessment, develops strategies for the risk register and ensures that staff are informed of strategies to mitigate risks as well as policy, procedures, and practices to support child safety. All staff are responsible to consider risk management and child safety measures. Other members of Child Safety & Wellbeing Team are listed in the St Malachy's *PROTECT: Reporting and Responding Obligations Procedures for Schools* and as outlined in this policy.

Regular training and professional learning are provided to ensure staff understand individual and collective responsibilities in relation to child safety and the wellbeing of children and young people. This would include opportunities to participate in training/learning for the wider school community.

The St Malachy's website and newsletter will provide information to keep families, carers and guardians informed of child safety and wellbeing commitments, procedures, and arrangements and opportunities to participate in learning activities.

School policies for Child Safety Reporting

There are a few considerations in reporting and responding to child safety. The following policies and guideline, including this Child Safety and Wellbeing Policy, are to be understood and referenced in determining a course of action:

- DOBCEL Child Safe Governance Policy and Procedures
- DOBCEL PROTECT: Identifying and Responding to Student Sexual Offending
- DOBCEL PROTECT: Reportable Conduct Scheme Policy
- DOBCEL PROTECT: Reporting and Responding Obligations Procedures for Schools (including Mandatory Reporting)
- DOBCEL Child Safe Risk Management Guidelines

Expectation of School Staff – Safeguarding Children and Young People Code of Conduct

To maintain a child safe community, it is expected that school employees, volunteers, contractors and those in religious ministry will act proactively to always ensure the safety of children and young people and to take appropriate action if there are concerns about the safety of any child or young person at the school. All staff at St Malachy's must remain compliant with DOBCEL policies and procedures in relation to child safety and protections. Equally, compliance must be maintained with relevant laws and professional entity obligations such as the Victorian Institute of Teaching (VIT).

The Safeguarding Children and Young People Code of Conduct recognises the critical role that school staff play in protecting the children and young people in their care and establishes clear expectations of school

employees, volunteers, contractors and clergy for appropriate behaviour with children to safeguard them against abuse and or neglect.

The child safety policies and procedures apply to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors or other persons while connected with the St Malachy's environment.

The Safeguarding Children and Young People Code of Conduct also protects school staff by clarifying and identifying acceptable and unacceptable behaviour. The school will monitor the ongoing suitability of staff for child-connected work.

Student Safety and Participation

St Malachy's actively encourages all children and young people to openly express their views and feel comfortable about giving voice to the things that are important to them.

Children and young people are taught what they can do if they feel unsafe which enables them to understand, identify, discuss and report their concerns. Concerns raised by students, or their families, carers or guardians, will be heard and acted upon as required.

Curriculum design integrates appropriate knowledge and skills to enhance students' understanding of being safe, as well as their understanding of their rights to safety, information and participation. Teaching and learning strategies that acknowledge and support student agency and voice are implemented. St Malachy's will ensure that children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.

Appropriate education strategies are available regarding:

- Standards of behaviour for children and young people attending St Malachy's
- Healthy and respectful relationships (including sexuality)
- Resilience
- Child abuse awareness and prevention.

Curriculum planning documents that detail the strategies and actions the school takes to implement its obligations are available to ensure that:

- Children and young people are informed about all of their rights, including to safety, information and participation
- The importance of friendship is recognised and support from peers is encouraged, to help children and children and young people feel safe and be less isolated
- Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns
- Strategies are in place to develop a culture that facilitates participation and is responsive to the input of children and young people
- Opportunities are provided for children and young people to participate to enable the process to be responsive to their contributions and to strengthen confidence and engagement
- Children and young people are offered access to sexual abuse prevention programs and to relevant information in an age-appropriate way.

Screening and Recruitment of School Staff

St Malachy's will apply a robust screening process in the recruitment of employees and volunteers involved in child-connected work. All teachers are required to have registration with the Victorian Institute of Teaching (VIT). All other school employees are required to maintain their Working With Children Check and National Police Check. All volunteers are required to maintain their Working With Children Check and may be required to provide a National Police Check at the discretion of the School. St Malachy's commitment to child safety inclusive of screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the Safeguarding Children and Young People Code of Conduct and child safety policies and procedures prior to commencement of employment.

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

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, St Malachy's ensures that the following information about any prospective employee or volunteer is gathered, verified and recorded:

- Applicant's VIT, Working with Children Check and National Police Check status and/or professional registration (as relevant)
- Proof of personal identity and any professional or other qualifications relevant to the position
- Applicant's history of work involving children
- References that address the applicant's suitability for the job and for working with children.

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

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

Child Safety and Wellbeing – Education and Training for School Staff

St Malachy's provides employees, volunteers and those in religious ministry with regular and appropriate opportunities to develop their knowledge of openness to and ability to address child safety and wellbeing matters. This includes induction, ongoing training, and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

At least annually, professional learning and training at St Malachy's addresses:

- Staff's individual and collective obligations and responsibilities for managing the risk of child abuse
- Preventing, identifying and mitigating child abuse risks in any school environment (including online, or third-party locations) without compromising a child or student's right to privacy, access to information, social connections and learning opportunities
- The Reportable Conduct Scheme

- St Malachy's current child safety standards including this Policy, the Safeguarding Children and Young People Code of Conduct and any other policies and procedures relating to child safety and wellbeing, including in relation to managing complaints and concerns related to child abuse
- Guidance on recognizing indicators of child harm including harm caused by other children and young people
- Guidance on responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm
- Guidance on how to build culturally safe environments for children and young people
- Guidance on their information sharing and recordkeeping obligations in alignment with DOBCEL Recordkeeping Policy

Diversity and Equity – Strategies and Actions

At St Malachy's, the school community are committed to ensuring that equity is upheld, and that diverse needs are respected in policy and practice. St Malachy's will ensure that:

- All school staff and volunteers understand the diverse circumstances of children and young people
- St Malachy's provides support and responds to vulnerable children and young people
- Children, students, staff, volunteers and the school community have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand
- The school pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, children and young people who are unable to live at home, international students, and LGBTQIA+ children and young people
- The school pays particular attention to the needs of Aboriginal and Torres Strait Islander children and young people and provides and promotes a culturally safe environment for them.

Family and Caregiver Engagement – strategies and actions

St Malachy's ensures that families, carers and other members of the school community are informed about relevant child safety and wellbeing matters and are involved in the promotion of child safety and wellbeing at the school. St Malachy's will ensure that:

- Families, carers and guardians participate in decisions relating to child safety and wellbeing which affect their child
- School staff engage and openly communicate with families, carers and guardians, other members of the school community about child safe approaches
- All members of the school community have access to information relating to child safety and wellbeing
- Families, carers, guardians and other members of the school community have the opportunity to provide input into the development and review of the school's child safety and wellbeing policies and practices
- Families, carers and guardians, other members of the school community are informed about the operations and governance of the school in relation to child safety and wellbeing.

St Malachy's complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the [*Betrayal of Trust*](#) report.

Reporting and Responding

St Malachy's creates records relevant to any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct and maintains and disposes of those records in accordance with security and privacy requirements and [the DOBCEL Recordkeeping Policy](#) (Including minimum retention periods). St Malachy's complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.), the *Child Wellbeing and Safety Act 2005* (Vic.) and the recommendations of the [Betrayal of Trust](#) report.

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

The DOBCEL PROTECT: Reporting and Responding Obligations Policy, sets out the actions required under the relevant legislation when there is a reasonable belief that a child at St Malachy's is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report. It is a requirement that DOBCEL Schools implement the joint protocol [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) for responding to and reporting allegations of child abuse.

St Malachy's adopts and implement the Four Critical Actions for responding to and reporting allegations of child abuse.

The [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) are:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Families, carers and guardians
4. Providing Ongoing Support

The St Malachy's PROTECT: Reporting and Responding Obligations Procedures for Schools details the procedures for staff, volunteers, and families, carers and guardians to:

- Identify the indicators of a child or young person who may need protection
- Understand how a 'reasonable belief' is formed under the reportable conduct scheme as well as mandatory reporting
- Make a report of a child or young person who may need protection
- Comply with mandatory reporting obligations under child protection law and their legal obligations relating to child abuse and grooming under criminal law
- Understand and comply with information sharing and recordkeeping obligations
- Comply with reporting obligations under the Reportable Conduct Scheme including obligations to report and investigate allegations of reportable conduct.

Staff are to use the template provided in [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#) to record their notes.

St Malachy's has also established additional internal procedures and processes to help ensure that appropriate action is taken to prevent, identify and respond to concerns about the wellbeing and/or safety of a student.

St Malachy's school is a prescribed Information Sharing Entity (ISE) meaning that, where legislated requirements are met, the school is able to share confidential information with other ISEs to promote child wellbeing or safety under the CISS or FVISS.

The internal procedures for mandatory reporting are contained in the *St Malachy's PROTECT: Reporting and Responding Obligations Procedures for Schools*

At St Malachy's if any member of the school community has concerns for a child's safety they need to discuss; they can report this to the school principal.

If the principal or is not available, and the matter is urgent, then it should be reported to a staff member (All staff members are obliged to assist with child safety).

The principal or staff member will follow the step-by-step guide to making a report as outlined in [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#).

Persons Responsible for Responding to Allegations of Suspected Child Abuse

These policy and procedures cover all forms of child abuse as defined in the *Education Training and Reform Act 2006 (Vic)*.

The following persons and positions of responsibility are obliged to manage promptly the school's response to an allegation or disclosure of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to the St Malachy's school environment.

Person(s)	Position of Responsibility	Responsibility
John O'Sullivan John O'Sullivan	Principal Child Safety Officer	Manage promptly the school's response to an allegation or disclosure of child abuse and ensure that the allegation or disclosure is taken seriously.
John O'Sullivan Elle Guthrie	Child Safety Officer School Compliance Officer	Monitor overall school compliance with this procedure
Gabi Chadwick	Member of School Leadership Team	Manage promptly the school's response to an allegation or disclosure of child abuse, and ensure that the allegation or disclosure is taken seriously if the principal is unavailable/unable to do so
Ange Jones	Assistant Director: People and Development, DOBCEL (03) 4344 4350	Manage promptly the response where the principal is the subject of a child safety incident, disclosure, or suspicion.
Tom Sexton	Executive Director DOBCEL (03) 4344 4350	Head of entity

The roles and responsibilities contained in the DOBCEL PROTECT: Reporting and Responding Obligations Policy and St Malachy's *PROTECT: Reporting and Responding Obligations Procedures for Schools* do not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

The school will make, secure, and retain records of any allegation of child abuse and the school's response.

The school commits to protect any child connected to alleged child abuse until the allegation is resolved.

Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence. A sexual offence includes rape, sexual assault, indecent actions, and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*. (PROTECT p.4)

There are [Four Critical Actions for Schools: Responding to Student Sexual Offending](#) which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities/Referring to Services
3. Contacting Families, carers and guardians
4. Providing Ongoing Support

The St Malachy's *PROTECT: Reporting and Responding Obligations Procedures for Schools* outlines the procedures that should be followed.

Publication and Communication

All St Malachy's child safety policies and procedures are available on the school website or in print from the school administration office on request. Child friendly versions to explain protective behaviours, right relationships and personal safety are available. These policies will be explained to children and young people through the personal and social learning curriculum using age-appropriate language and activities. The age-appropriate policies will also include information for children about how to report to someone if they are feeling unsafe or have been abused.

Teachers and other staff will work with children and young people through the curriculum to understand the best ways to let someone a responsible, trusted adult – know if they are feeling unsafe or have been abused.

Risk Management

St Malachy's is committed to proactively and systematically identifying and assessing risks to student safety across the whole school environment and reducing or eliminating (where possible) all potential sources of harm. St Malachy's will document, implement, monitor and at least annually (and after an incident) review the risks and risk management strategies for child safety and wellbeing, evaluate the effectiveness of the implementation of the risk controls and ensure that the strategies change as needed and as new risks arise.

At St Malachy's, the Principal and Leadership Team undertakes risk management assessment, develops strategies for the risk register and ensures that staff are informed of strategies to mitigate risks as well as policy, procedures and practices to support child safety. All staff are responsible to consider risk management and child safety measures.

See also St Malachy's [Child Safety Risk Assessment](#).

Definitions

Child: a child or young person within any DOBCEL school environment. (Legal elements of this policy may not apply to young people who turn 18 while at school, but the principle of care remains the same.)

Child abuse includes:

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence under section 49M(1) of the Crimes Act 1958 (grooming)
- (b) the infliction, on a child, of:
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- (c) serious neglect of a child. (*Child Safety and Wellbeing Act 2005(Vic)*)

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse. ([Ministerial Order No. 1359](#))

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

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

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

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

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

Mandatory Reporting: The legal requirement under the *Children, Youth and Families Act 2005 (Vic.)* to make a report to the designated authority in order to protect children from harm relating to physical and sexual abuse. The principal, teachers, medical practitioners, nurses, student counsellors and those in

religious ministry are mandatory reporters under this Act. [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)

Reasonable belief – mandatory reporting: When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a reasonable belief. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

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

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

Reportable Conduct: Five types of “reportable conduct” are listed in the Child Wellbeing and Safety Act 2005 (*Children’s Legislation Amendment (Reportable Conduct) Act 2017*). These include:

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

School environment means any of the following physical, online or virtual places used during or outside school hours:

- a campus of the school
- online or virtual school environments made available or authorized by St Malachy’s for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school or through a third-part provider for a child or student to use including, but not limited to, locations used for school camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) (Ministerial Order No. 1359).

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

- directly engaged or employed by a school governing authority
- a contracted service provider engaged by DOBCEL (whether or not a body corporate or any other person is an intermediary) engaged to perform child-connected work for St Malachy’s
- a minister of religion, a religious leader or an employee or officer of a religious body associated with DOBCEL (Ministerial Order No. 1359).

Volunteer means a person who performs work without remuneration or reward for St Malachy’s in the school environment.

References

Catholic Education Commission of Victoria Ltd (CECV). 2016. [*Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools.*](#)

Congregation for Catholic Education. 1997. [*The Catholic School on the Threshold of the Third Millennium,*](#) Vatican.

Department of Education (DET). 2016. [*PROTECT: Identifying and responding to all forms of abuse in Victorian schools*](#)

State of Victoria. 2022. [*Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*](#) Order No. 1359, Education & Training Reform Act 2006, Victorian Government Gazette No. G6

Parliament of Victoria, Family and Community Development Committee. 2013. [*Betrayal of Trust*](#)

Relevant Legislation

- Children, Youth and Families Act 2005 (Vic.)
- Working with Children Act 2005 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Education and Training Reform Regulations 2017 (Vic)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Public Records Act 1973 (Vic)
- Crimes Act 1958 (Vic.)

Three new criminal offences have been introduced under this Act:

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

Staff should refer to the DOBCEL PROTECT: Reporting and Responding Obligations Policy and St Malachy's *PROTECT: Reporting and Responding Obligations Procedures for Schools* for more information about these offences and the responsibilities for staff in relation to them.

DOBCEL Policies and Documents

- DOBCEL Child Safe Governance Policy and Procedures
- DOBCEL Safeguarding Children and Young People: Code of Conduct
- DOBCEL PROTECT: Reporting and Responding Obligations Procedures for Schools (including Mandatory Reporting)
- DOBCEL Child Safe Risk Management Policy

Policy Review and Approval

This policy will be reviewed as part of the school's two-year review cycle of its child safety practices.