



# Child Safe Program

## 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 a [Child Safe Officer](#).*

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

## Introduction

### Statement of Commitment to Child Safety and Wellbeing

All children and young people who come to Little Yarra Steiner School have a right to feel and be safe. We are committed to the safety and wellbeing of all children and young people. We are committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to actively participate in decisions that affect their lives.

We have a zero tolerance for child abuse and other harm and are committed to acting in students' best interests and keeping them safe from harm.

The School regards its child protection responsibilities with the utmost importance and is committed to providing the necessary resources to ensure compliance with all relevant child safety and wellbeing laws and regulations and maintaining a child safe culture.

Each member of the School 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 Child Protection Program

This Child Protection Program is made up of work systems, practices, policies, and procedures designed to maintain a child safe environment and to embed an organisational culture of child safety within the School community.

The Program deals specifically with creating and maintaining a child safe organisation, including – but going further than - child protection issues. It is designed to ensure compliance with:

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

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 Little Yarra Steiner School, and in our Child Protection 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 (CWS Act). These define “child abuse” as:
  - any act committed against a child involving:
    - 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, including exposure to family violence and its effects\*
- 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 (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, or a student aged 18 or over, 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
- image-based sexual offences
- 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 our Child Protection 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 [Child Protection Codes of Conduct](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

## 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 School and/or external authorities.

This section of the Child Protection Program summarises these reporting obligations and links to the relevant policies and procedures for more guidance.

## Definition of "Child Safety Incident or Concern"

At Little Yarra Steiner School, we use the phrase "child safety incident or concern" to mean an incident of or concern about:

- "child abuse" as defined in Ministerial Order 1359 and the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act)
- a child being "in need of protection" as defined in the Child, Youth and Families Act 2005 (Vic) (CYF Act)
- "reportable conduct" as defined in the CWS Act
- a criminal offence against a child, or a student aged 18 or over, as set out in the Crimes Act 1958 (Vic)
- a practice to change or suppress a child's, or a student's, sexual orientation or gender identity, which is prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
- a breach of our Child Protection Codes of Conduct.

For more information, refer to the full definition of "child safety incident or concern" on the [Responding to and Reporting Child Safety Incidents or Concerns Landing Page](#).

## The School's Policy

The School 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 and/or the Police, depending on the information contained in the report.

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

## Key Documents for Staff, Volunteers and Contractors

- [Our School's Child Safe Officers - Who to Speak to if You Have a Concern](#)
- [Response and Reporting Obligations](#)

### Our Child Safe Officers – Who to Speak to if You Have a Concern

#### Our Child Safe Officers

You **must** report **all** child safety incidents or concerns internally to a Child Safe Officer or the Principal. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](<https://ce-viewer.com/module/262/page/bb2703d3-de1a-4811-8794-b87f6914c439.md>).

Little Yarra Steiner School has appointed one or more Child Safe Officers. They 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 Safe Policy](#), and the Child Protection Program more generally.

Please be aware that reporting to or consulting with a Child Safe Officer does not change any obligation that you have under legislation to report to an external authority. For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

Our Child Safe Officers are:

Name	Position	Contact No.	Email Address
John Stewart	Principal	59671953	<a href="mailto:jstewart@lyss.vic.edu.au">jstewart@lyss.vic.edu.au</a>
Bernard Wagg	Assistant Principal	59671953	<a href="mailto:bwagg@lyss.vic.edu.au">bwagg@lyss.vic.edu.au</a>

While students can also talk to Child Safe Officers if they have a child safety concern, the School 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 Protection Complaints Management](#).

## Our Senior Child Safety Officer

Little Yarra Steiner School has also appointed at least one Senior Child Safety Officer. Their contact details are listed in the [Child Safe Policy](<https://lyss.policyconnect.com.au/module/262/page/8f8ab6cf-5f92-4615-82a8-2664cf1dea22.md>).

The Senior Child Safety Officer has additional child protection responsibilities. The Senior Child Safety Officer is identified in the publicly available Child Safe Policy as the first point of contact for all child safety concerns or queries for the wider community, and coordinates the School's response to child safety incidents in consultation with the Principal, the School Management and the Board.

For more information about Child Safe Officers' and Senior Child Safety Officer's responsibilities, refer to [Child Protection Responsibilities](#).

## Response and Reporting Obligations

Below are high-level summaries of the various response and reporting obligations School Staff may have, and links to the School'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 Safety Officer to be the future liaison with the Police on the matter.

For more information, refer to the [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 School should support students following an incident or a disclosure of abuse, harm or inappropriate behaviour is also found in [Support Following Child Safety Incident or Disclosure](#).

## 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 a [Child Safe Officer](<https://lyss.policyconnect.com.au/module/262/page/7e55eed4-566c-4aa9-bc6b-e42e8f254805.md>). They 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 School.

These reports can be made to a Child Safe Officer or 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 the Board Chair if the allegation involves the Principal).

For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#) and [Reportable Conduct](#).

### Other Actions

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 Protection Record Keeping](#).

## 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 School:

- **knows** that there is a **substantial risk** that:
  - a child (aged under 16) who is under the **care, supervision or authority** of the School;

- will become a victim of a **sexual offence** committed by an adult **associated with** the School; 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 School context, it covers failures to protect a student aged under 16 from sexual abuse by any adult Staff, Volunteer or Contractor.

The School 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.

To ensure that these obligations are met, it is the School’s policy that:

- if you know that **any** adult associated with the School (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 Assistant Principal.

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

For more information, refer to [Duty to Protect/Failure to Protect](#).

## 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). These people are called Mandatory Reporters.

Mandatory Reporters must make a Mandatory Report to Child Protection if – **during the course of their professional work 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.

At the School, the following people are Mandatory Reporters:

- teachers
- the Principal
- medical practitioners
- nurses
- early childhood workers
- persons in religious ministry who work or volunteer at the School in their religious capacity.

It does not matter whether they are engaged by the School in a paid or volunteer role, as long as they are working in the relevant profession.



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](#), 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**.

You should also consider whether you are required to take any other action or make any other external reports (for example, refer to [Duty to Protect/Failure to Protect](#), [Reporting to Police](#) and [Reportable Conduct](#)).

For more information, refer to [Mandatory Reporting to Child Protection](#).

## 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 School’s policy 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.

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 School’s policy and by Four Critical Actions to report to Child Protection, other than through Mandatory Reporting, refer to [Non-Mandatory Reporting to Child Protection](#).

## 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 (whether in Victoria or elsewhere) who forms a **\*\*reasonable belief\*\*** that a **\*\*sexual offence\*\*** has been committed in Victoria 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 in Victoria against a child (a person 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 School’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](#).
- 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 [Sharing Information 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](#).

## 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 [Reporting to Police](#).

## Reportable Conduct

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

The “head” of the School for the purposes of the reportable conduct scheme is the Board Chair, who has authorised the Principal 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
- significant neglect of a child.

To enable the “head” of the School to fulfil their legal obligations, it is the School’s policy that if you form a **reasonable belief** that a Staff member, Volunteer or Contractor at the School has engaged in reportable conduct or misconduct that may involve reportable conduct, you must immediately report your concerns to the Principal (or the Board Chair 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 [Mandatory Reporting to Child Protection](#), [Non-Mandatory Reporting to Child Protection](#), [Duty to Protect/Failure to Protect](#) and [Reporting to Police](#)).

For more information, refer to [Making an Internal Report of Reportable Conduct](#) and [Reportable Conduct Key Definitions](#).

## 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 scheme, Victorian law requires that registered teachers 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.

Victorian law also requires that the School notifies 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 School 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 School must also notify the VIT if the School 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 School to fulfil its obligations, it is the School’s policy that:

- registered teachers must inform the Principal (or, if they are the Principal, the Assistant Principal) 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
- all Staff must immediately report to the Principal (or, if the incident or allegation involves the Principal, to the Assistant Principal) any incident or allegation that raises concerns about a teacher’s fitness to teach.

For more information, refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#).

## 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 School 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](#).

## 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 [Responding to Sexual Behaviour in Children](#).

## Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that:

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

It is the School'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 the [Four Critical Actions for Schools: Responding to Student Sexual Offending](#).

For more information, refer to [Responding to Student Sexual Offending](#).

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

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

- internally, a Child Safe Officer
- 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 [Responding to Other Concerns About the Wellbeing of a Student](#).

## 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 [Making Additional Reports](#).

## Child Safe Policy

If you are a non-English speaker who needs help to understand this Policy, please contact the School office on (03) 5967 1953 or at [office@lyss.vic.edu.au](mailto:office@lyss.vic.edu.au).

## Background

Introduction

the Board has approved this Child Safe Policy on 1 July 2022. It will be reviewed on 1 July 2024.

## Purpose

Our Child Safe Policy demonstrates the School's strong commitment to child safety and wellbeing and to creating and maintaining a child safe and child-friendly environment. It provides an overview of the policies and practices that we have developed to keep our students safe, including from abuse or other harm.

Our Child Safe Policy 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 School as a child safe organisation.

It informs the School community about everyone's obligations to act safely and appropriately towards students and guides the policies, processes and practices for the safety and wellbeing of students across all areas of our work, which are set out in the School's Child Protection Program. (1)

Little Yarra Steiner School's Child Safe Policy is to be read and understood in conjunction with, the Victorian Child Safe Standards and Ministerial Order 1359.

The Child Safe Policy provides the framework for:

- the implementation of the Victorian Child Safe Standards and Ministerial Order No 1359
- the implementation of the Child Safe Policy
- the development of work systems, practices, policies and procedures, consistent with PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosure and Suspicions of Child Abuse (PROTECT Four Critical Actions) and PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending (Four Critical Actions: Student Sexual Offending), that promote child protection, safety and wellbeing within the School
- the creation of a safe and supportive School environment and a positive and robust child safe culture
- the promotion and open discussion of child safety issues within the School
- compliance with all laws, regulations and standards relevant to child safety and wellbeing, including child protection, in Victoria.

## Scope

The School's Child Safe Policy applies to all adults in the School community, whether or not their work involves direct contact with students, including:

- Staff and Direct Contact Contractors (including External Education Providers) who are "school staff" within the meaning of Ministerial Order 1359
- other types of Contractors
- Volunteers
- Visitors.

This Policy applies in all physical, virtual and online School environments used by students during or outside of school hours, including all locations provided for a student's use, (for example on-site and off-site School grounds, sporting events, camps and excursions and environments provided by External Education Providers and other Contractors).

## Definitions

Definitions of the following terms used in the Child Safe Policy can be found in [Child Protection Program Definitions] (<https://lyss.policyconnect.com.au/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>):

- child/young person
- child abuse and other harm
- child safety and wellbeing
- child safety incident or concern

- child-connected work
- child-related work
- contractor
- school environment
- school staff
- school governing authority
- staff/staff member
- student
- visitor
- volunteer.

## **Roles and Responsibilities**

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

Specific responsibilities are summarised at the end of this Policy.

## **Statement of Commitment to Child Safety and Wellbeing**

All children and young people who come to Little Yarra Steiner School have a right to feel and be safe. We are committed to providing a child 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.

We have a zero tolerance for child abuse and other harm and are committed to acting in students' best interests and keeping them safe from harm.

The School regards its child protection responsibilities with the utmost importance and as such is committed to providing the necessary resources to ensure compliance with all relevant child safety and wellbeing laws and regulations and maintaining a child safe culture.

Each member of the School 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.

## **Child Protection Standards**

Little Yarra Steiner School has also developed specific child safe principles and values relevant to its own specific circumstances that guide our work systems, practices, policies and procedures to protect students from abuse and harm.

## **The Victorian Child Safe Standards**

The Victorian Child Safe Standards were originally developed in response to the Victorian Parliament's Inquiry into the Handling of Child Abuse by Religious and Other Organisations. They were replaced by a set of new Standards in 2022,

to reflect the National Principles for Child Safe Organisations and to support greater national consistency. There are 11 Victorian Child Safe Standards. They are:

## Victoria's Child Safe Standards

- **Child Safe Standard 1** – Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- **Child Safe Standard 2** – Ensure that child safety and wellbeing are embedded in school leadership, governance and culture.
- **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- **Child Safe Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing.
- **Child Safe Standard 5** – Equity is upheld and diverse needs are respected in policy and practice.
- **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- **Child Safe Standard 7** – Ensure that processes for complaints and concerns are child focused.
- **Child Safe Standard 8** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.
- **Child Safe Standard 11** – Policies and procedures that document how schools are safe for children, young people and students.
- Ministerial Order 1359 provides the framework for child safety in schools.

The Victorian Registration and Qualifications Authority (VRQA) monitors and enforces compliance with the Victorian Child Safe Standards for all registered schools in Victoria.

## Little Yarra Steiner School's Child Protection Principles and Values

Vision:

Working out of Anthroposophy, we learn and grow, inspiring our students to act with courage for the good of humanity.

Purpose:

To awaken in our students the capacity to reach their highest goals through the strength of their individuality and intercultural understanding.

Our Values:

Understanding

Our curriculum and pedagogy use content and teaching methods based on a deep understanding of the stages of child development.

Meaning

We strive for students to experience a meaningful and rewarding education leading to a lifelong love of learning and accomplishment as adults who can think and act freely and responsibly.



## Environmental responsibility

Our educational offering combines the safety and beauty of our rural and artistic environment with twenty first century academic rigour and reverence for the environment.

## Community

We promote a welcoming and inclusive whole school environment in which the wider community can participate.

## Respect

We encourage and foster a culture of respectful relationships and positive student behaviours.

## Freedom

We are philosophically committed to the principles and practice of Australian democracy, including elected government, rule of law, equal rights for all, freedom of religion, freedom of speech and association, the values of openness and tolerance

## Safety

Little Yarra Steiner School is committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe, and are able to actively participate in decisions that affect their lives.

# Little Yarra Steiner School's Policy

## Child Protection Codes of Conduct

Our Child Protection Codes of Conduct include a [Child Safe Code of Conduct](<https://ce-viewer.com/module/262/page/9cf92f3a-7ac5-4c44-8dd3-f5ee61b68cf0.md>) and a [Staff and Student Professional Boundaries](<https://lyss.policyconnect.com.au/module/262/page/12e961a2-6474-4dc4-a7f6-942c6d5dc919.md>) policy. Together, these Codes of Conduct set boundaries and expectations for appropriate behaviours between adults in our School community 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.

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

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

## Cultural Safety

At Little Yarra Steiner School, we are committed to establishing an inclusive and culturally safe School where the strengths of Aboriginal and Torres Strait Islander culture, values and practices are respected.

We identify, confront and do not tolerate racism, and we address any instances of racism within the school environment with appropriate consequences.

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 actively create opportunities for Aboriginal and Torres Strait Islander students, their families and their communities (including local Aboriginal communities relevant to the School) to have a voice and presence in our School's planning, policies, and activities.

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

## **Student Empowerment and Participation**

Little Yarra Steiner School 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 and 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 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 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 the [Participation and Empowerment of Students](#) section of our Child Protection Program.

## **Parent/Carer, Family and Community Engagement at the School**

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

We ensure that families and relevant communities (Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, other communities that make up our Staff and student cohort, and the local community in which our School operates) know about the School's operations and policies, including its Child Safe Policy and the Child Protection 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 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 School, to make information about child safety and wellbeing available and accessible, and to implement all of the above obligations, are set out in the Family and Community Involvement in Child Protection policy in our Child Protection Program.

## Diversity and Equity

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

- support the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students and their families
- support the cultural safety, participation and empowerment of students from culturally and linguistically diverse backgrounds and their families
- 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/or linguistically diverse backgrounds, and those with particular experiences or needs
- have a physical environment that actively celebrates diverse cultures and recognises cultural difference
- commit to promoting the inclusion of students of differing abilities.

The specific strategies that we have adopted to promote equity and respect diversity at the School are set out in the Family and Community Involvement, Cultural Safety and Equity/Diversity section of our Child Protection Program.

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

The specific human resources management strategies that we have adopted at the School to promote child safety and wellbeing are set out in the [Child Protection Human Resources Management](<https://ce-viewer.com/module/262/page/abf85fc6-1670-4cec-bd55-f4ec61d4b921.md>) section of our Child Protection Program. They include the following:

### Recruitment and Screening

Little Yarra Steiner School applies best practice standards in the recruitment and screening of Staff, Volunteers and Contractors to engage the most suitable and appropriate people to work with our students. Our practices include:

- making our commitment to child safety and wellbeing clear in recruitment advertising and documentation
- 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

- using additional selection, background checking and screening processes that take into account child protection considerations.

## **Training on and Information About Child Protection**

As a part of Little Yarra Steiner School's induction process, all Staff, as well as relevant Volunteers and Contractors, must complete our child protection induction program, which includes information about our child protection policies, practices and procedures.

All Staff, as well as relevant Volunteers and Contractors also receive refresher and ongoing child protection training at least annually.

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

- this Child Safe Policy
- the Child Protection Codes of Conduct
- recognising child abuse and other harm and identifying key indicators, including harm caused by other children and young people
- our policies and procedures for responding to and reporting child safety incidents or concerns (including 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
- how to identify and mitigate child safety and wellbeing risks in the School's environments.

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

the Board also receives child protection training at least annually, to ensure that its members are equipped with the knowledge required to make decisions in the best interests of student safety and wellbeing, and to identify and mitigate child safety and wellbeing risks in our School's environment. Its training includes guidance on:

- 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 our School's environment
- the School's child protection policies, procedures, codes and practices.

## **Ongoing Supervision, Management and Support**

The School's Child Safe Officers and School Management provide supervision and support to all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors to ensure that they are compliant with the School's approach to child safety and wellbeing. Our child protection supervision and support program includes:

- annual performance reviews for all staff members
- appointing a supervising staff member to Direct Contact Volunteers/Contractors and to those Regular Volunteers/Contractors who are engaged in "child-connected work"

- professional development programs for Staff that include child protection education.

The School swiftly manages any inappropriate behaviour towards students, in accordance with our policies and legal obligations. Child safety and wellbeing is the paramount consideration when managing inappropriate behaviour.

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

Little Yarra Steiner School fosters a culture that encourages everyone in the School community to raise concerns and complaints about child safety and wellbeing. We have clear pathways for raising complaints and concerns set out in the **Procedures** below, and in our Complaints handling policy.

We also have clear 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 School, set out in the **Responding to and Reporting Child Safety Incidents or Concerns** section of the Child Protection Program. These are summarised for students, parents/carers and other members of the School community in our public-facing Procedures for Responding to and Reporting Child Safety Incidents or Concerns and public-facing child safe program.

Our Insert List of Student Behaviour Policies and Procedures cover complaints and concerns relating to physical violence, bullying and other harmful student behaviours.

The School 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 Staff, Volunteers, Contractors, students, parents/carers or anyone else reports these to the School.

The safety and wellbeing of the student/s involved in the matter will be the paramount consideration when responding to child safety incidents and concerns. The School follows the National Office of Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](#) and the Commission for Children and Young People's [Including Children and Young People in Reportable Conduct Investigations resources](#) when investigating and responding to child safety incidents and concerns.

The School's response will include:

- ♦ externally reporting all matters that meet the required relevant thresholds to Child Protection (Mandatory Reports), the Police (Mandatory Reporting of Child Sexual Abuse), the CCYP (Reportable Conduct), and/or the Victorian Institute of Teaching (Teacher Misconduct), depending on the issues raised and consistent with [PROTECT Four Critical Actions](#) and [Four Critical Actions: Student Sexual Offending](#)
- ♦ 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 School's response to it
- taking broader actions to improve child safety at the School (including systemic reviews and resulting improvements).

## Child Protection Risk Management

Little Yarra Steiner School and Little Yarra Steiner School recognise the importance of a risk management approach to child protection and to minimising the risk of harm to children and young people without compromising their rights to privacy, access to information, social connections and learning opportunities. The School's Child Protection Risk Management Strategy can be found [here](#).

We have implemented a comprehensive [Risk Management Program](#) to assist in the identification, assessment and management of child protection risks in all School environments.

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

We record identified risks to child safety and wellbeing in our Child Protection Risk Register, along with the actions in place at the School to manage these risks. the Board, the Principal and/or the School Management monitor and evaluate the effectiveness of these actions at least annually.

## Child Protection Privacy and Information Sharing

The School collects, uses and discloses information about students and their families in accordance with Victorian privacy laws and other relevant laws, including laws that permit the School to disclose information about child safety and wellbeing to external people and agencies. For information about how the School collects, uses and discloses this information, refer to our Privacy policy.

## Child Protection Record Keeping

The School is committed to best practice record keeping about child safety incidents and concerns in accordance with Public Record Office Victoria Recordkeeping Standards (including minimum retention periods).

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

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

## Communications

Little Yarra Steiner School is committed to communicating our child safety and wellbeing strategies, policies and procedures to our School community through the measures set out in the Implementation section below. In addition, we:

- display PROTECT posters around the School
- provide child protection information and updates through newsletters, emails, class meetings etc
- include child safety as a regular agenda item at School Management meetings and staff meetings.

## Child Protection Program and Practice Review

Little Yarra Steiner School is committed to the continuous improvement of the policies and procedures making up our entire Child Protection Program and of our child safety and wellbeing practices. We review the Program as a whole annually (or earlier if a significant child safety incident occurs at the School or legislation changes) for overall effectiveness and to ensure compliance with all child safety and wellbeing related laws, regulations and standards.

When undertaking these reviews, the School:

- actively seeks, actions, and incorporates feedback from students, families, the wider School community, Staff, Volunteers and Contractors
- analyses any complaints and child safety incidents that may have occurred
- communicates any learnings, adjustments or amendments to policy and practice widely throughout the School community.

## Child Protection Procedures

### Reporting Child Safety Incidents or Concerns to the School

**\*\*\*Whenever there are concerns that a child or young person is in immediate danger call the Police on 000.\*\*\***

***Any person, including all Staff, Volunteers, Contractors, parents/carers and students, can at any time report concerns about the wellbeing of a child aged under 17 to Child Protection by:***

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

### Staff, Volunteers and Contractors

Staff, Volunteers and Contractors must follow our Procedures for Responding to and Reporting Child Safety Incidents or Concerns and report child safety incidents or concerns internally to a Child Safe Officer or the Principal.

Where the incident or concerns involves the Principal, internal reports should instead be made to the Assistant Principal.

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 Protection 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.

## Students, Parents/Carers and Community Members

**\*\*Students\*\*** who have child safety concerns about themselves or any other child or student aged 18 or over can:

- disclose the child safety incident or concern 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)
- use the School's anonymous contact page, which is located on the LYSS website to disclose anonymously
- contact DFFH.

For more information, students can refer to the child-friendly version of our Child Protection Complaints Management Policy and Procedures, available ..

**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 School may be subject to abuse or other harm can contact:

- the Principal
- the School's Senior Child Safety Officer, by phoning 59671953 or emailing [jstewart@lyss.vic.edu.au](mailto:jstewart@lyss.vic.edu.au)

**Any person** can also contact the Principal, or the Senior Child Safety Officer if they have concerns regarding the School's leadership in relation to child safety.

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

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

Our Child Protection Program sets out the procedures, consistent with [PROTECT Four Critical Actions] ([https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)) and [Four Critical Actions: Student Sexual Offending]

([https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_SSO.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_SSO.pdf)), that the School will follow for any child safety incident or concern involving a student, School Staff, Volunteer, Contractor or Visitor, or other person connected to the School or the School environment.

It also provides guidance for all Staff, Volunteers and Contractors on their obligations to respond to and report, to relevant external authorities, child safety incidents and concerns.

These procedures and guidance are summarised in our public-facing Procedures for Responding to and Reporting Child Safety Incidents or Concerns and public-facing child safe program.

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

Child safety incidents or concerns can cause trauma and significantly impact on the mental health and wellbeing of children, as well as on their families. In addition to reporting and referral to the relevant authorities, the School plays a central role in addressing this trauma and has a duty of care to ensure that students feel safe and supported at School.



The School 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 Safe Officers will 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 offering or organising referrals to internal or external support, such as the School Class Teacher/Guardian, 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 School offers former students who may disclose historical child safety incidents or concerns from their time at the School similar support.

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 School assists impacted Staff, Volunteers and Contractors to access necessary support.

## **Embedding a Culture of Child Safety: Our Child Protection Program**

Our Child Protection Program itself is one of the strategies employed by Little Yarra Steiner School to embed a culture of child safety at the School.

Our Child Protection Program relates to all aspects of child safety and wellbeing and establishes work systems, practices, policies and procedures to create and maintain a child safe environment and culture at the School. It includes:

- ♦ the Child Protection Codes of Conduct
- ♦ clear information about what is child abuse and other harm and key indicators of child abuse and other harm
- ♦ clear procedures, that are consistent with PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending, for responding to and reporting child safety incidents or concerns internally to a Child Safe Officer, and for responding to incidents or allegations of child abuse or other harm
- ♦ strategies to support, encourage and enable Staff, Volunteers, Contractors, parents/carers and students to understand, identify, discuss and report child safety matters
- ♦ procedures for recruiting and screening members of the School Management, Staff, Volunteers and Contractors
- ♦ procedures for reporting to external agencies, that are consistent with PROTECT Four Critical Actions and Four Critical Actions: Student Sexual Offending, including Mandatory Reporting to the Department of Families, Fairness and Housing (Child Protection), reporting 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 protection training
- ♦ information regarding the steps to take after a disclosure of abuse or other harm to protect, support and assist students
- ♦ 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 and Ministerial Order 1359)

- a system for continuous review and improvement.

## Child Protection Responsibilities at the School

Child safety and wellbeing is everyone’s responsibility. Specific responsibilities at the School include:

### The School Child Safe Officer/s

One or more staff members are nominated as a Schools Child Safe Officer. Child Safe Officers receive additional specialised training with respect to child safety and wellbeing, including but not limited to child protection issues. They are a point of contact for raising child safety concerns within the School. They are also responsible for championing child protection within the School and assisting in coordinating responses to child safety incidents.

Our Child Safe Officers are:

Name	Position	Contact No.	Email Address
John Stewart	Principal	59671953	jstewart@lyss.vic.edu.au
Bernard Wagg	Assistant Principal	59671953	bwagg@lyss.vic.edu.au

### The Senior Child Safety Officer

Little Yarra Steiner School has also appointed John Stewart as the School Senior Child Safety Officer.

The Senior Child Safety Officer has additional child protection responsibilities, such as being a first point of contact for all child safety concerns or queries for the wider community and coordinating the School's response to child safety incidents in consultation with the Principal, the School Management and the Board.

### the Board

the Board is Little Yarra Steiner School's “school governing authority” for the purposes of Ministerial Order I 359.

the Board is responsible for:

- championing and promoting a child safe culture within the School
- approving our Child Protection Program, including this Child Safe Policy and the Child Protection Codes of Conduct

It is responsible for ensuring that the School has appropriate resources to effectively implement the Victorian Child Safe Standards, Ministerial Order I 359 and our Child Protection Program.

### Board Chair

Insert Head of Entity's Child Safe Responsibilities

The Board Chair is the “head” of the School for the purposes of the Reportable Conduct Scheme.

## **Insert Position Title of Group Regional Director or Similar**

Insert Group Regional Director (or equivalent) Child Safe Responsibilities

For the purposes of the Reportable Conduct Scheme, the Insert Position Title of Group Regional Director or Similar has been authorised, by the Board Chair, to undertake responsibility for reporting and investigating Reportable Allegations that involve the Principal under our Reportable Conduct Policies and Procedures.

## **The Board**

Insert Board Child Safe Responsibilities

## **The Principal**

The Principal is responsible, and will be accountable, for the operational management of the School, and the implementation of the Child Protection Program. The Principal is responsible for:

- taking all practical measures to ensure that this Child Safe Policy and the School’s Child Protection Program is implemented effectively and followed
- ensuring that a strong and sustainable child safe culture is maintained within the School, including by:
  - modelling the Child Safe Code of Conduct, and reinforcing high standards of child safe behaviours between adults and students and between students
  - facilitating the participation of students, families, Staff and other members of the School community in promoting and improving child safety and wellbeing at the School
  - promoting regular and open discussion of child safety and wellbeing issues within the School community
  - facilitating regular professional learning for Staff and relevant Volunteers and Contractors about child safety, cultural safety, student wellbeing and preventing and responding to child safety incidents and concerns
  - creating an environment where child safety incidents, concerns and complaints are readily raised with the School and where no one is discouraged from reporting child safety incidents or concerns to relevant external authorities.

## **Staff**

All Staff are “school staff” for the purposes of Ministerial Order 1359.

All Staff are required to comply with our Child Safe Policy and Child Protection Codes of Conduct, be familiar with our Child Protection Program and understand their legal obligations with respect to the reporting of child abuse and other harm, and WWC Checks.

It is each individual’s responsibility to be aware of key indicators of child abuse and other harm, to be observant, and to raise all child safety incidents and concerns with a Child Safe Officer.

To meet these obligations, all Staff must:

- participate in child safety and wellbeing induction and ongoing training provided by the School
- always follow the School’s child safety and wellbeing policies and procedures in the Child Protection Program
- act in accordance with the Child Protection Codes of Conduct
- identify and raise child safety incidents and concerns in accordance with our Procedures for Responding to and Reporting Child Safety Incidents or Concerns, and follow the [PROTECT Four Critical Actions](#) and [Four Critical Actions: Student Sexual Offending](#)
- ensure 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

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

All Volunteers at the School are responsible for contributing to the safety and protection of students in the School environment.

To meet these obligations:

- all Volunteers must comply with our Child Safe Policy and Child Protection Codes of Conduct
- Direct Contact Volunteers (and, if required by the School, other Volunteers such as Regular Volunteers who are engaged in “child-connected work”) must:
  - participate in child safety and wellbeing induction and ongoing training provided by the School
  - be aware of key indicators of child abuse and other harm
  - understand their legal obligations with respect to the reporting of child abuse and other harm
  - raise all child safety concerns with a Child Safe Officer.

## Contractors

A Contractor is someone engaged by the School to perform specific tasks. Contractors are not employees of the School. However, Contractors who have direct contact with children are “school staff” for the purposes of Ministerial Order 1359.

Contractors may include maintenance and building personnel, consultants, music tutors, sports coaches, and cleaners as well as external education providers (organisations that the School has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School).

All Contractors are responsible for contributing to the safety and protection of students in the School environment.

To meet these obligations:

- all Contractors must comply with our Child Safe Policy and Child Protection Codes of Conduct.
- Direct Contact Contractors (and, if required by the School, other Contractors such as Regular Contractors who are engaged in “child-connected work”) must:
  - participate in child safety and wellbeing induction and ongoing training provided by the School
  - be aware of key indicators of child abuse and other harm

- understand their legal obligations with respect to the reporting of child abuse and other harm
- raise all child safety concerns with a Child Safe Officer.

The School may include these requirements in the written agreement between it and the Contractor.

## Implementation

The Child Safe Policy is published on our School's public website.

It is provided to new Staff, and to Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors at their induction or prior to them commencing their work at the School.

The School provides all Visitors to the School, including Casual Volunteers and Casual Contractors, with information about the Child Safe Policy (including in particular the Child Protection Codes of Conduct and how to report child safety incidents or concerns to the School and to relevant external authorities).

## Breach of the Child Safe Policy

Little Yarra Steiner School enforces this Child Safe Policy and our Child Protection Codes of Conduct. In the event of any non-compliance, we will instigate a review 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.

## Source of Obligation

The Child Safe Policy implements, and is to be read and understood in conjunction with:

- Victorian Child Safe Standards, Standard 2
- Ministerial Order 1359, Clause 6

## Policy Review

A review of the Child Safe Policy is conducted annually or earlier if required, such as if a significant child safety incident occurs at the School or due to changes in legislation.

the Board is responsible for ensuring that this Policy is reviewed and updated as needed and for approving this Policy.

(1) The Child Protection Program is the name given to the full collection of policies and procedures that assist the School to be a child safe organisation and to meet the requirements of the Victorian Child Safe Standards and Ministerial Order 1359. 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 protection policies, procedures and practices.

## Child Protection Codes of Conduct

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

All children and young people who come to Little Yarra Steiner School have a right to feel and be safe. We are committed to the safety and wellbeing of all children and young people.

Each member of the School 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.

This section of the Child Protection Program describes the Child Protection Codes of Conduct that Little Yarra Steiner School has developed to meet these commitments and requirements.

Each Policy and Procedure in this section also contains additional guidance for Staff, Volunteers, Contractors and the School to assist them to understand and comply with it.

## The Policies and Procedures in this Section

- [Child Safe Code of Conduct](#)
- [Staff and Student Professional Boundaries](#)
- [Student Child Protection Code of Conduct](#)
- Parent, staff and student Codes of Conduct

Together, we refer to these as the Child Protection Codes of Conduct.

## Source of Obligation

- Victorian Child Safe Standards, Standards 2, 3 and 6
  - Ministerial Order 1359, Clauses 6 and 13.2(b)

## Approvals and Reviews of the Child Protection Codes of Conduct

As required by Ministerial Order 1359, all of the Child Protection Codes of Conduct have been approved by the Board.

They are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement](#) section of the Child Protection Program.

All changes to the Child Protection Codes of Conduct that result from a review are approved by the Board.

Policy administration information, including a record of the initial approval of the relevant Child Protection Code of Conduct, the date of the next scheduled review and the dates of all other reviews and approvals, is set out in the policy.

## **Child Safe Code of Conduct**

If you are a non-English speaker who needs help to understand this Policy, please contact the School office on (03) 5967 1953 or at [office@lyss.vic.edu.au](mailto:office@lyss.vic.edu.au).

The Child Safe Code of Conduct outlines appropriate standards of behaviour towards students for all adults in the School environment, and the School's expectations for compliance. It serves to protect students, reduce any opportunities for abuse or harm to occur, and promote child safety in the School environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations.

***It is the School's policy that any breach of the Child Safe Code of Conduct is a child safety incident that must be reported internally.***

***Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.***

For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

The School reviews the Child Safe Code of Conduct annually. the Board has approved the Child Safe Code of Conduct.

The Child Safe Code of Conduct is published on our public website.

Our Child Protection Program also includes a [Staff and Student Professional Boundaries](#) policy that provides detailed guidance for all Staff, Volunteers and Contractors on how to maintain professional boundaries between with students.

## **Scope**

The Child Safe Code of Conduct applies to all adults in the School community, including:

- the Principal and the School Management
- all staff members, including non-teaching Staff and temporary or casual Staff
- all Volunteers
- all Contractors (including External Education Providers)
- teaching students on placement at the School
- Visitors

(together referred to as “the School Community” for the purposes of the Child Safe Code of Conduct).

The Child Safe Code of Conduct applies in all School environments. School environments include the following physical, virtual and online places used during or outside school hours:

- a campus of the School
- online or virtual School environments made available or authorised by the Board (or the Principal on its behalf) for use by a student (including email, intranet systems, software applications, collaboration tools and online services)
- other locations provided by the School or through a third-party provider for a 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, another school
  - sporting events, excursions, competitions and other events.

Some staff members, Volunteers and Contractors at the School may have other professional or occupational codes of conduct that regulate their profession or occupation. These codes of conduct must be complied with. In the event that a staff member, Volunteer or Contractor considers that there is a conflict between their professional or occupational code of conduct and the Child Safe Code of Conduct in a particular matter, they must seek advice from their professional or occupational regulatory body and/or a Child Safe Officer, and must advise the Principal of their proposed course of action.

## The Child Safe Code of Conduct

Each member of the School Community is responsible for promoting the safety and wellbeing of students by adhering to the following standards of behaviour:

### Do:

- Uphold and act in accordance with Little Yarra Steiner School's Child Safe Policy at all times.
  - Comply with applicable guidelines published by the School with respect to child safety, such as the Staff and Student Professional Boundaries policy.
  - Behave as a positive role model to students.
  - Promote the safety, welfare and wellbeing of students.
  - Be vigilant and proactive with regard to student safety and wellbeing, including child protection issues.
  - Provide age-appropriate supervision for students.
  - Treat all students with respect.
  - Promote the safety, participation and empowerment of students with disability.
  - Promote the cultural safety, participation and empowerment of linguistically and/or culturally diverse students and Aboriginal and Torres Strait Islander students.
  - Use positive and affirming language towards students.
  - Encourage students to 'have a say' and participate, and then listen to them with respect.
  - Respect cultural, religious and political differences.
  - Help provide an open, safe and supportive environment for all students to interact, and socialise.
  - Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
  - Report any breaches of this Child Safe Code of Conduct.



- Report concerns about child safety to a Child Safe Officer and ensure that your legal obligations to report child abuse or other harm externally are met.
- Where an allegation of child abuse or other harm is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

## **Do Not:**

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
  - Discriminate against any student on the basis of characteristics that are protected in anti-discrimination legislation or express personal views that support or promote such discrimination.
  - Engage in open discussions of an adult nature in the presence of students.
  - Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
  - Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
  - Engage in any form of physical violence towards a student including inappropriately rough physical play.
  - Use physical means (other than as expressly outlined in our [Restraint of Students Policy](#)) or corporal punishment to discipline or control a student.
  - Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
  - Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
  - Engage in undisclosed private meetings with a student who is not your own child.
  - Engage in activities with a student who is not your own child, outside of school hours and without permission from the student's parent/carer.
  - Engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student.
  - Take or publish (including online) photos, movies or recordings of a student without parental/carer consent.
  - Post identifying information about a student online unless it is necessary for the School's activities or you have consent from the student and/or their parents/guardians. Identifying information includes things such as the student's: full name; age; e-mail address; telephone number; residence; school; or details of a club or group that they may attend.
  - Ignore or disregard any suspected or disclosed child abuse or other harm.

## **Agreement to the Child Safe Code of Conduct**

The School provides a copy of the Child Safe Code of Conduct to all Staff, relevant Volunteers and relevant Contractors at induction, or otherwise prior to them commencing work at the School. The School also communicates it via refresher training at regular intervals for all Staff, as well as Direct Contact Volunteers.

All Staff, as well as Direct Contact and Regular Volunteers must acknowledge in writing or online/electronically that they have read and agree to adhere to the Child Safe Code of Conduct prior to commencing work at School.

The Child Safe Code of Conduct forms part of the contract between the School and any Direct Contact and Regular Contractors. Therefore, all Direct Contact and Regular Contractors are deemed to have agreed to adhere to the Child Safe Code of Conduct on signing the contract or on commencing work at the School.

## **The Child Safe Code of Conduct and Reportable Conduct**

Our Child Protection Codes of Conduct outline expected standards of behaviour for all Staff at the School. However, breaches of these 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 Protection Codes of Conduct but may not amount to Reportable Conduct.

These kinds of breaches of our Child Protection Codes of Conduct can be dealt with at the School level and the School does not need to report them to the Commission for Children and Young People.

For more information, refer to our [Reportable Conduct](#) policies and procedures.

## **Consequences for Breaching the Child Safe Code of Conduct**

Staff, including the School Management and Principal, Volunteers and Contractors who breach this Code of Conduct may be subject to disciplinary actions 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.

Where any other member of the School Community breaches any obligation, duty or responsibility within our Child Safe Code of Conduct, Little Yarra Steiner School will take appropriate action (School Community Safety Orders Policy).

## **Report Any Concerns**

\*\*\*Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.\*\*\*

### **Staff**

It is the School's policy that any breach of the Child Safe Code of Conduct is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of this Code of Conduct must report their concern internally to a Child Safe Officer or the Principal. Where the child

safety incident or concern involves the Principal, internal reports should instead be made to the Assistant Principal by phoning 5967 1953.

Staff who, in good faith, make an internal report alleging a breach of the Child Safe Code of Conduct will be protected from victimisation or other adverse consequences.

Note that reporting internally does not change any obligation that Staff may have under legislation to report to an external authority.

Our Child Protection Program includes information for Staff, Volunteers and Contractors about how to identify key indicators of child abuse or other harm and how to report child safety incidents or concerns to relevant external authorities.

For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Students

Students who are the victim of, or who witness or suspect a breach of the Child Safe Code of Conduct can:

- disclose the child safety incident or concern 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)
- use the School's anonymous contact page, which is located on the LYSS website to disclose anonymously
- contact DFFH.

## Parents/Carers, Family Members or Other Community Members

Parents/carers, family members or other community members who witness or suspect that there has been a breach of the Child Safe Code of Conduct, or have concerns that a child or young person associated with the School may be subject to abuse or harm from a member of Staff, a Volunteer or a Contractor, should contact:

- the School's Senior Child Safety Officer John Stewart, by phoning 5967 1953 or emailing [jstewart@lyss.vic.edu.au](mailto:jstewart@lyss.vic.edu.au) or the Principal, or
- if the concern relates to the Principal, the Assistant Principal.

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

## Staff and Student Professional Boundaries Policy

### Purpose

Little Yarra Steiner School is committed to providing a safe physical, virtual and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner, the risk of child abuse is minimised and a safe and supportive child safe environment is maintained.

Little Yarra Steiner School Staff, Volunteers and Contractors hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

A breach of professional boundaries may in some circumstances be a criminal offence. The Crimes Act 1958 (Vic) includes certain offences for persons, including teachers, Direct Contact Volunteers and Direct Contact Contractors, whose position places them in a position of “care, supervision or authority”, with a student. For more information, refer to [Offences Under the Crimes Act 1958 \(Vic\)](#).

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against Staff.

## Scope

This Policy applies to:

- Board of Directors members
- all Staff, including the Principal and the School Management, teaching and non-teaching Staff
- all Volunteers
- all Contractors,

(together, referred to as “Staff” or “staff members” for the purposes of this Policy only). Their age does not matter.

The Staff and Student Professional Boundaries Policy applies in all School environments. School environments include, physical, virtual and online environments used during or outside school hours, as well as any environment (including those outside the School’s grounds) where School-related activities are occurring.

## Little Yarra Steiner School's Policy

All staff members **\*\*must\*\***:

- follow the guidelines for professional boundaries set out below
- exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- identify, discourage and reject any advances of a sexual nature initiated by a student
- interact with students in a manner that is professional at all times, including inside and outside of school hours
- report conflict of interest issues to the Principal, or the Assistant Principal, as soon as practicable
- remove themselves from decision-making where a conflict has been identified
- give equal learning opportunities to each student without discrimination.

Staff members who are teachers registered with the Victorian Institute of Teaching (VIT) must also comply with principles set out in [The Victorian Teaching Profession’s Code of Conduct](#) (VIT Code of Conduct).

Some staff members at the School may have other professional or occupational codes of conduct that regulate their profession or occupation. These codes of conduct **must** also be complied with. In the event that a staff member considers that there is a conflict between their professional or occupational code of conduct and the Staff and Student Professional Boundaries Policy in a particular matter, they must seek advice from their professional or occupational regulatory body and/or a Child Safe Officer, and must advise the Principal of their proposed course of action.

The School's considers any breach of professional boundaries to be a child safety incident. As a result all staff members **must** report all breaches of this Policy internally to the School.

Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

The School will protect staff members who, in good faith, make an internal report alleging a breach of professional boundaries from victimisation or other adverse consequences.

## What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that Staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however, sometimes it may be more difficult to recognise especially for younger Staff who may only be a few years older than their students.

The following guidelines are not exhaustive, and given that sometimes 'grey areas' may occur, it is expected that all Staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

***When unsure about whether professional boundaries are being, or have been, breached, ask yourself:***

- Would I modify my behaviour if a colleague was present?
- How would I feel about explaining my actions at a staff meeting, to the Principal, or to parents/carers?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular student?

## Intimate Relationships

Staff must not initiate or develop a relationship with any student that has, or can be misinterpreted as having, a romantic or sexual, rather than professional, basis. This is regardless of whether the relationship is consensual, non-consensual, or condoned by parents/carers.

Such relationships have a negative impact on the teaching and learning of students and colleagues and may carry a serious reputational risk for the staff member and, in turn, the School.

The professional relationship between Staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g. pornography)
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

## Relationships with Former Students

The imbalance of power and authority that exists in the Staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School as there may be a reasonable belief that the emotional intimacy of the relationship developed while the Staff/student relationship existed.

For registered teachers, it is a breach of the VIT Code of Conduct for a teacher to have a sexualised relationship with a former student:

- within two years of the learner completing their senior secondary schooling or equivalent; and
- in all circumstances, the former student must be at least 18 years old before a relationship commences.

In addition, if any staff member engages in a romantic/sexual relationship with a person who was previously a student at the School, this may generate concerns that the staff member previously crossed professional boundaries while the former student was under the care of the staff member. In particular, concerns may arise that the staff member engaged in grooming behaviour while the person was still a student.

The School will investigate any complaint that a staff member has abused their position and acted unprofessionally by engaging in a relationship with a former student. In considering whether there has been a breach of professional boundaries, the School may take the following factors into account:

- ♦ the nature of the relationship, including its closeness, dependence and significance
- ♦ the length of the relationship while the former student was attending the School
- ♦ any conduct the staff member undertook which gives cause for concern
- ♦ the length of time that has passed between when the person was a student at the School and the commencement of the relationship.

By ensuring that their relationships with Little Yarra Steiner School students do not breach Staff and Student Professional Boundaries, a staff member who subsequently forms a relationship with a former student will be less likely to be considered to have breached professional boundaries in relation to that former student, provided that the former student is at least 18 years old and at least two years have passed between the time when the former student concluded their senior secondary schooling and the commencement of the relationship.

## Personal Relationships

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual, or condoned by parents or carers.

It is the student's perception of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between Staff and students may be compromised by Staff:

- attending parties or socialising with students outside of organised School events (without parental/carer permission)
- sharing personal details about their private lives with students
- meeting with students outside of school hours without permission from the School.

Staff must recognise at all times that their role is not to be a “friend” or “parent” to a student.

## Fair Learning Opportunities

The focus of teaching is effective student learning and as such teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student’s abilities, skills, and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- always making decisions in students’ best interests.

## Electronic Communications between Staff and Students

It is expected that all Staff at the School will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities

- all email communication between Staff and students should be via the School email system and reflect a professional Staff/student relationship
- Staff should not communicate with students via text message where it is not in a professional context
- Staff should not give out their personal telephone numbers or social media contact details
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the School
- Staff should not exchange personal pictures with a student
- teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the School should only be used for School communications.

## Physical Contact with Students

All Staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all Staff at the School should adhere to the following guidelines for contact with students both in and outside of School grounds:

- Staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and Staff must remain vigilant while engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made.

## Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict Staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

## Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in close or rural communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, Staff need to be far more diligent in developing and maintaining these boundaries.



Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the Assistant Principal if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the School (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

## **Declarations of Staff/Student Interactions**

To enable the School to be aware of appropriate and inappropriate interactions between Staff and students, and to provide context in situations where an allegation of unprofessional conduct may be made, the School encourages Staff to declare any interactions with students outside the School context. These interactions may include situations where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and the parent/carer has notified the School.

Declarations by Staff about a relationship with students and their families outside of the School context or about interactions that occur with the consent of the parent/carer must be verified by the parent/carer of the student.

Little Yarra Steiner School maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School premises. These records are made available to the parents/carers of a student on request.

These records are kept in accordance with our [Child Protection Record Keeping](#) and Human Resources Management policies.

## **Staff and Student Professional Boundaries and Reportable Conduct**

Our Child Protection Codes of Conduct outline expected standards of behaviour for all Staff at the School. However, breaches of these 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 Protection Codes of Conduct but may not amount to Reportable Conduct.

These kinds of breaches of our Child Protection Codes of Conduct can be dealt with at the School level and the School does not need to report them to the Commission for Children and Young People.

For more information, refer to our [Reportable Conduct](#) policies and procedures.

## **Consequences for Breaching the Staff and Student Professional Boundaries Policy**

Where a staff member breaches this Policy, Little Yarra Steiner School may take disciplinary action that may include (depending on the severity of the breach):

- remedial education

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

## Implementation

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent/carer education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary

## Report Any Concerns

\*\*\*Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.\*\*\*

## Staff

It is the School's policy that any breach of this Professional Boundaries Policy is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of professional boundaries must report their concern internally to a Child Safe Officer or the Principal. Where the child safety incident or concern involves the Principal, internal reports should instead be made to the Assistant Principal by phoning 5967 1953.

Our Child Protection Program includes information for Staff about how to identify key indicators of child abuse or other harm and detailed procedures about when and how to report child safety incidents or concerns to relevant external authorities. For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Students

Students who are the victim of, or who witness or suspect a breach of staff and student professional boundaries can:

- disclose the child safety incident or concern to any staff member. 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)
- use the School's anonymous contact page, which is located on the LYSS website to disclose anonymously
- contact DFFH.

## Parents/Carers, Family Members or Other Community Members

Parents/carers, family members or other community members who witness or suspect that there has been a breach of professional boundaries, or have concerns that a child or young person associated with the School may be subject to abuse or harm from a staff member, should contact:

- the School's Senior Child Safety Officer John Stewart, by phoning 59671953 or emailing [jstewart@lyss.vic.edu.au](mailto:jstewart@lyss.vic.edu.au) or the Principal ; or
- if the concern relates to the Principal, the Assistant Principal.

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

## Student Child Protection Code of Conduct

If you are a non-English speaker who needs help to understand this Policy, please contact the School office on (03) 5967 1953 or at [office@lyss.vic.edu.au](mailto:office@lyss.vic.edu.au).

## Purpose

At Little Yarra Steiner School we recognise that effective learning can only occur in a secure environment where the dignity, rights and responsibilities of others are known and respected and where standards and rules are fairly and consistently applied.

The Student Child Protection Code of Conduct has been developed to clearly set out standards of behaviour related to child protection that students are expected to abide by.

The School uses a variety of strategies to consult with students when considering the Student Child Protection Code of Conduct. These may include surveys, discussion groups, consultation with the student representative body or other means. For more information, refer to [Participation and Empowerment of Students](#).

the Board has approved the School's Student Child Protection Code of Conduct.

## Source of Obligation

Standard 3 of the Victorian Child Safe Standards requires the School to ensure that children and young people are made aware of their rights, including their right to be safe from harm and that they are provided with age-appropriate information about safe and respectful peer relationships.

To implement these requirements, Ministerial Order 1359 requires the Board to develop documentation that details the strategies and actions that the School will take to, among other things, inform children and students about all of their rights, including to safety, and to recognise the importance of friendships and encourage support from peers. Our Student Child Protection Code of Conduct is one of these strategies.

## Responsibilities

Managing the Student Child Protection Code of Conduct is a shared responsibility between students, parents/carers and the School. All students and families have ready access to support offered by teachers, Staff and School Child Safe

Officers.

## Little Yarra Steiner School's Values

The Student Child Protection Code of Conduct is based on the School's values.

See Student Code of Conduct

## Students' Rights

Students have the right to:

See Student Code of Conduct

## Students' Responsibilities

See Student Code of Conduct

For more information, refer to [Bullying Prevention and Intervention](#), [Social Media – Student Usage](#) and [Harassment Policy \(Student Against Student\)](#).

## Consequences for Breaching the Student Code of Conduct

Students are expected to observe and uphold the above rights and responsibilities:

Students are also expected to abide by School rules and the policies of the School, as well as the directions of teachers.

A breach of this Student Code of Conduct, School rules or policy will be dealt with according to our Behaviour Management Policy.

## Raising Concerns About Safety

\*\*\*Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.\*\*\*

***Any person can, at any time contact the Department of Families, Fairness and Housing (Child Protection) if they have reasonable grounds to believe that a child is in need of protection or significant concerns about the wellbeing of a child. Reports can be made:***

- 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 DFFH Child Protection on 13 12 78.

If a student has concerns about their safety, or the behaviour of others, it's important that they tell a trusted adult. This could be a parent or carer, a trusted teacher or a School Child Safe Officer.

Our Staff are committed to ensuring that all students feel empowered to speak up and be heard and will take all concerns raised by students seriously and ensure that the student receives ongoing support.

The School provides all students with information about and encourages them to use multiple pathways to raise child safety concerns about or at the School, including concerns about the behaviour of other students. These include informal and formal ways, an 'anonymous' way, and through external child advocacy or child safety organisations.

A child-friendly version of our [Child Protection Complaints Management](#) policy, which explains these different pathways, is available ..

## Responding to and Reporting Child Safety Incidents or Concerns

Ministerial Order 1359 requires the Board to have a 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, 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 actions that Staff must take to respond to child abuse and other harm. The School's policies and procedures for responding to child abuse and other harm must align with the Four Critical Actions.

This section of the Child Protection Program describes our work systems, practices, policies and procedures for responding to and reporting **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 Protection Program are:

- [Managing Your Initial Response to a Child Safety Incident or Concern](#)
- [Reporting a Child Safety Incident or Concern Internally](#)
- [Duty to Protect/Failure to Protect](#)
- [Mandatory Reporting to Child Protection](#)
- [Non-Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teachers \(VIT\)](#)
- [Responding to Sexual Behaviour in Children and to Student Sexual Offending](#)
- [Responding to Other Concerns About the Wellbeing of a Student](#)
- [Making Additional Reports](#)
- [Support for Students Interviewed at the School](#)

## Key Definition: Child Safety Incident or Concern

Definitions relevant to the Child Protection Program as a whole are contained in [Child Protection Program Definitions] (<https://lyss.policyconnect.com.au/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>) and [Definitions and Key

Indicators of Child Abuse and Other Harm](<https://lyss.policyconnect.com.au/module/262/page/b37bc401-a9d5-435c-907a-563f717080c7.md>).

Of particular relevance to this section is the phrase “child safety incident or concern”.

## Child Safety Incident or Concern

At Little Yarra Steiner School, and in our Child Protection Program, a “child safety incident or concern” means an incident or a concern about:

- “child abuse” as defined in Ministerial Order 1359 and the CWS Act. These define “child abuse” as:
  - any act committed against a child involving:
    - 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 including exposure to family violence and its effects\*
- 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 School (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, or a student aged 18 or over, 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
- image-based sexual offences
- 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 our Child Protection 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 [Child Protection Codes of Conduct](#) and [Definitions and Key Indicators of Child Abuse and Other Harm](#).

## **Overview of Procedures for Responding to and Reporting Child Safety Incidents or Concerns**

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 School’s procedures for reporting and responding to child safety incidents or concerns are designed and implemented taking into account the diverse characteristics of the School community.

### **Internal Reporting by Students, Parents/Carers and the Community**

There are no limits on how or to whom students at the School can disclose any child safety incident or concern or make a complaint about a staff member, Volunteer or Contractor. The [Child Protection Complaints Management](<https://ce-viewer.com/module/262/page/3a0ac18c-9b63-4759-9b89-56398cebb2cc.md>) policy 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 School are asked to follow the procedures set out in our [Child Safe Policy](#) which is available on our public website.

### **Internal and External Reporting by Staff, Volunteers and Contractors**

The policies and procedures in this section of our Child Protection Program set out how Staff, Volunteers and Contractors should respond to child safety incidents or concerns. They include procedures for responding to incidents or

disclosures of child abuse or other harm, or suspected child abuse or other harm, and simple and accessible procedures for Staff, Volunteers and Contractors to report a child safety incident or concern internally.

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 Little Yarra Steiner School's policy.

These policies and procedures all make clear that reporting internally to or consulting with a Child Safe Officer does not change any obligation under legislation to report to an external authority.

## The School's Response to Internal Reports

The School 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 School, 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 or 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 School's response to it
- taking broader actions to improve child safety at the School (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 parent/carer or family or community member will be addressed in accordance with the policies and procedures in [Child Protection Complaints Management Program](#).

## Implementation of Procedures for Responding to and Reporting Child Safety Incidents or Concerns

All of the policies and procedures in this section of the Child Protection Program are made available to all Staff, Volunteers, and Contractors via the School's PolicyConnect site and through the induction training and ongoing refresher training provided to Staff and to relevant Volunteers and Contractors. For more information, refer to [Child Protection Training](<https://lyss.policyconnect.com.au/module/262/page/f4cee8fb-535b-4a1a-89df-ff12b0ee8067.md>).

The policies and procedures in this section of the Child Protection Program are made available to parents/carers, students and the wider School community in summary in our Child Safe Policy which is available on our public website.



The School's responding and reporting policies and procedures are also summarised for students, parents/carers and other community members in our Procedures for Responding to and Reporting Child Safety Incidents or Concerns and child safe program which are also available on our public website.

They are also available in hard copy by request.

## Source of Obligation

- Victorian Child Safe Standards, Standards 7 and 11
  - Ministerial Order 1359, Clauses 11 and 15

Other legislative obligations relevant to specific policies and procedures in this section of the Child Protection Program are set out in the various policies.

## Approvals and Reviews of the Policies and Procedures for Responding to and Reporting Child Safety Incidents or Concerns

As required by Ministerial Order 1359, all of the policies and procedures in this section of the Child Protection Program have been approved by the Board.

They are regularly reviewed in accordance with the schedule set out in the Regular Reviews and Continuous Improvement section of the Child Protection Program.

All changes to these policies and procedures that result from a review are approved by the Board.

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

## Managing Your Initial Response to a Child Safety Incident or Concern

Ministerial Order 1359 requires the Board to have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse, as defined in the Order.

The Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria's [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) sets out the four actions that Staff must take to respond to child abuse, as defined in the CWS Act. The School's policies and procedures for responding to child abuse and other harm must align with the Four Critical Actions.

This section of the Child Protection Program aligns with Action One of the Four Critical Actions and outlines, in the subsections below, the School's policies regarding, and the procedures that Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this section of the Child Protection Program) 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](#)
- [Observing 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](#)

Fulfilling the roles and responsibilities in this section of the Child Protection Program 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.

### **Responding to an Emergency**

**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.

If a student has just been or is at immediate risk of being harmed, you **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
- notifying the Principal or the Assistant Principal
- briefing the Senior Child Safety Officer to be the future liaison with the Police on the matter.

### **Preserving Evidence**

When an incident of suspected child abuse or harm occurs at the School or at a School event, preserving as much evidence as possible is crucial. Staff should take the following steps (provided that it is safe to do so):

- **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**

It is critical that all Staff 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.

The School requires all Staff to use the [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.

For more information about how to record observations, disclosures or allegations refer to [Child Protection Record Keeping](#).

### **Witnessing a Child Safety Incident**

Staff 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.

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 procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

### **Observing of Abuse and Other Harm Indicators**

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 School to require that all Staff respond in a particular way when they observe key indicators of child abuse and other harm.

If you observe indicators that raise 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 Safe Officer](#) who can assist you in clarifying your concerns and managing the next steps.

### **Private Disclosure by a Student**

#### **During the Disclosure**

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.

## Responding to and Reporting the Disclosure

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](<https://lyss.policyconnect.com.au/module/262/page/cc5f596a-8785-454d-8ce3-e180f87fdb37.md>).

When a disclosure is made to a staff member, they must:

- report the matter internally to a Child Safe Officer, the Principal (or to the Assistant Principal 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 Protection Record Keeping.
- follow the steps set out in Support Following a Child Safety Incident or Disclosure.

### Public Disclosure by a Student

Public disclosure occurs where a staff member observes a student disclosing abuse or other harm to another student or group of students.

In this circumstance you should use a strategy of "protective interrupting".

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 the guidelines with respect to [Private Disclosure by a Student](#).

### **Third Party Disclosure**

A third party may provide Staff with information relating to a child safety incident or concern involving a student, the School and/or a staff member.

## **Key Definition**

### **Third Party**

A “third party” may be a friend of the student, a relative or another parent/carer.

## **During the Third Party Disclosure**

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.

## **Responding to and Reporting the Third Party Disclosure**

When a third-party disclosure is made to a staff member, they must:

- report the matter internally to a [Child Safe Officer](#), the Principal (or to the Assistant Principal 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 Protection Record Keeping](#).

In some circumstances, such as when the disclosure relates to a child safety incident occurring at the School or a School event, or the conduct of a staff member, a third party disclosure should be considered a child protection-related complaint and must be managed pursuant to our [Child Protection Complaints Management](#) policy.

### **Disclosure by a Former Student**

A former student of the School may come forward to a current staff member and disclose past abuse or other harm from their time at the School.

## Key Definitions

### Former Student

A former student of the School is a person who attended the School 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](<https://lyss.policyconnect.com.au/module/262/page/b37bc401-a9d5-435c-907a-563f717080c7.md>) that is alleged to have occurred at or involved the School in the past. This could be months, years or even decades ago.

## Responding to and Reporting the Disclosure

Disclosures of historical abuse or other harm by a former student should be considered a child protection-related complaint and must be managed pursuant to our [Child Protection Complaints Management](<https://ce-viewer.com/module/262/page/3a0ac18c-9b63-4759-9b89-56398cebb2cc.md>) policy.

If you receive a disclosure from a former student about historical abuse or other harm that is alleged to have occurred at the School, you **must** also take any immediate actions that may be required, including but not limited to:

- If the former student is still a child, you must follow any and all relevant policies and procedures for responding to and reporting child safety incidents or concerns, specifically the obligations you may have under:
  - [Reporting a Child Safety Incident or Concern Internally](#)
  - [Duty to Protect/Failure to Protect](#)
  - [Mandatory Reporting to Child Protection](#)
  - [Non-Mandatory Reporting to Child Protection](#)
  - [Reporting to Police](#)
  - [Reportable Conduct](#)
  - [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#)
- If the former student is an adult, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the School this may trigger obligations under the [Duty to Protect/Failure to Protect](#) policy to remove the risk of abuse or harm to current students.

### Support Following Child Safety Incident or Disclosure

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 School plays a central role in addressing this trauma and has a duty of care to ensure that the students feel safe and supported at School.

The School also has a duty of care to staff members 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.

## Support for the Student Immediately Following the Incident or Disclosure

Staff members should take the steps outlined below to support and assist a student after a child safety incident 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.

When 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 a Child Safe Officer 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: Student Support Plan

If a student is impacted by a child safety incident or concern, a Child Safe Officer will work with the student, and their family where appropriate, 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 a Child Safe Officer to access support.

## Guidelines for Developing the Student Support Plan

Support strategies that could be considered for students and/or their families following disclosure might include offering or organising referrals to internal or external support, such as the School Class Teacher/Guardian, 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.

When supporting a student with disability who has been impacted by a child safety incident or concern, the School considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies
- 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 School provides culturally appropriate support. Where possible the School 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 overseas students who have been impacted by a child safety incident or concern, the School 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.

## Support for Former Students

Staff members should take the steps outlined below to support and assist a former student after a disclosure of past abuse or other harm during their time at School. 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.

When 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 School about the allegation.

Steps following disclosure:

- ♦ tell the former student what you plan to do next



- discuss the matter with one of the School's Child Safe 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.

Additional support strategies that should be considered, in consultation with a Child Safe Officer, for former students following disclosure might include offering or organising referrals to internal or external support, such as the School Class Teacher/Guardian, bi-cultural workers and/or translators, or an external support or advocacy organisation.

## Support for Staff, Volunteers and Contractors

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

Refer to our Insert Name of Staff Support Program.

The School has also appointed one or more Child Safe Officers, including at least one Senior Child Safety 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

The Department of Education, 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) requires that all Staff must report internally to the School any instances of suspected child abuse, regardless of whether the alleged perpetrator is a parent/carer, other family member, member of the community or School staff member, Volunteer, Contractor or Visitor.

This section of the Child Protection Program outlines when and how Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy) must report child safety incidents or concerns internally to the School.

While the Principal delegates certain responsibilities for receiving and managing internal reports to certain staff members, the Principal retains ultimate responsibility and accountability for the internal reporting process.

***It is important to remember at all times that the safety and welfare of the students are paramount.***

Fulfilling the roles and responsibilities 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.

## Obtain Advice

Child safety situations can be very complex, not only from the perspective of ascertaining whether abuse or other harm has occurred but also in understanding what steps to take to protect the student/s involved.

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 a Child Safe Officer. They will be able to assist you in clarifying your concerns and managing the next steps.

## Internal Reporting Procedure

All Staff **may** at any time report **any** concern for a child's safety, welfare or wellbeing to a Child Safe Officer, the Principal, the Department of Families, Fairness and Housing (Child Protection) or the Police.

All Staff who 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,

such that [Mandatory Reporting to Child Protection](#), [Non-Mandatory Reporting to Child Protection](#) or [Reporting to Police](#) is required, **must** – in addition to reporting externally – report the matter internally.

These internal reports can be made to a [Child Safe Officer](#) or the Principal.

If the child safety incident or concern involves [Reportable Conduct](#) by an employee, then you must report directly to the Principal, following the procedures for [Making a Reportable Conduct Report Internally](#).

If the matter involves the Principal, you must instead report internally to the Assistant Principal.

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

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

- [Duty to Protect/Failure to Protect](#)
- [Mandatory Reporting to Child Protection](#)
- [Non-Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#)

Reporting the matter internally does not release any staff member from these other legal, regulatory or policy reporting obligations that may arise from the child safety incident or concern.

Note also that these external reporting obligations will still apply even if the Principal, the Assistant Principal, or a Child Safe Officer to whom you have reported internally advises you not to report externally, but your concerns reach the threshold required for the external report.

### Duty to Protect-Failure to Protect

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with [Definitions and Key Indicators of Child Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Reporting to Police](#), [Non-Mandatory Reporting to Child Protection](#) and [Mandatory Reporting to Child Protection](#). 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.

## Source of Obligation

### The Common Law Duty to Protect

The School has a common law duty of care to protect all students from **\*\*reasonably foreseeable risks of harm\*\*** while at school or engaging in School activities.

The School 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

Under section 49O of the Crimes Act 1958 (Vic) (Crimes Act) a person commits an offence if:

- the person occupies a position within or in relation to a **relevant organisation** (the School is 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.

This criminal offence 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”.

In the School context, the offence covers failures to protect a student aged under 16 from sexual offences committed by any adult staff member, Volunteer or Contractor at the School.

Students aged 18 or over and parents/carers (other than parent volunteers), are not considered adults “associated with” the School 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.

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 School.

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, so long as the student was in Victoria at any time while the substantial risk

existed or so long as the sexual offence was at risk of occurring in Victoria.

## Little Yarra Steiner School's Policy – Obligations of Staff, Volunteers and Contractors

Staff, Volunteers and Contractors at the School must comply with their obligations under both the common law duty to protect and the Failure to Protect offence.

To ensure that these obligations are met, it is the School's policy that if you **know** that any adult associated with the School (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),

you **must** take 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 Assistant Principal if the adult who poses the risk is the Principal).

You **must** also follow the appropriate external reporting procedures. In particular, knowledge that an adult associated with the School 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 reporting under:

- [Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)

You **must** document the actions taken to protect students, and your internal and external reports, in the [PROTECT Recording your actions: Responding to suspected child abuse-- A Template for Victorian Schools](#). For more information, refer to [Child Protection Record Keeping](#).

## Who Has the Power or Responsibility to Act to Protect Students?

Whether a staff member, Volunteer or Contractor at the School has "power or responsibility to reduce or remove the risk" to the student will depend on their role at the School and on the source of the risk.

In a normal school context, the Principal and members of the School Management would always have the necessary degree of supervision, power and responsibility to remove or reduce a risk posed by another adult working at the School.

However, on a day-to-day basis, and on tours, excursions, or camps, others at the School 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

- Volunteers or Contractors where they are in a position of supervision over students or over other Staff, Volunteers or Contractors.

## 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 School poses a **substantial risk** that a student or students may become the victim of a **sexual offence**.

In addition, it is the School's policy 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 School poses a **reasonably 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 School 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 immediate steps to remove or reduce the risk to the student or students
- report the matter to the Principal (or the Board Chair if the allegation is about the Principal), as soon as practicable
- record the report according to our [Child Protection Record Keeping](#) 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:**

- immediately removing a staff member, Direct Contact Volunteer or Direct Contact Contractor who is known to pose a substantial risk of a sexual offence to students, from all contact with students and reporting to external authorities
- banning a parent/carer who is known to pose a risk of physical or emotional abuse to students from attending excursions as a parent helper
- requesting the Principal to issue the person (other than a student or staff member) with a School Community Safety Order (for more information, refer to School Community Safety Orders Policy ).

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

## Key Definitions

### Associated With

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 School context, this includes:

- the Board members
- the Principal
- all staff members, including teaching and non-teaching, permanent and casual Staff
- all Volunteers (including parent/carer volunteers and Board of Directors members )
- all Contractors.

For the purposes of the Failure to Protect offence, an adult is not considered to be “associated with” the School only because they receive services from the School. Therefore, 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 School 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. It is clear from the definition of “relevant organisation” in the Crimes Act that the School 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 the School, 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 School they should take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a School Child Safe 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.

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.

A reasonably foreseeable risk of harm is one that is not farfetched or fanciful.

## 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 School 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 to be 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 School 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 or teacher), 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, 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 harmed before acting.

## Mandatory Reporting to Child Protection

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with the Definitions and Key Indicators of Child Abuse and Other Harm, Reporting a Child Safety Incident or Concern Internally, Duty to Protect/Failure to Protect, Reporting to Police, Non-Mandatory Reporting to Child Protection and Reportable Conduct. 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.

## Source of Obligation

Section 184 of the Children, Youth and Families Act 2005 (Vic) (CYFA) requires that certain people must make a report to Department of Families, Fairness and Housing (Child Protection) if:

- **in the course of their professional work** 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.

These people are called Mandatory Reporters.

Failure to make a report is an offence.

## Who is a Mandatory Reporter?

Mandatory Reporters are listed in section 182 of the CYFA 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\*



This means that, at Little Yarra Steiner School, the following people are Mandatory Reporters:

- teachers
- the Principal
- medical practitioners and School nurses
- early childhood teachers and workers
- persons in religious ministry who work or volunteer at the School in their religious capacity.\*

\*“Person in religious ministry” is defined by the CYFA 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 does not matter whether they are engaged by the School in a paid or volunteer role, as long as they are working in the relevant profession.

## 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 over 18 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](#).

It is the School’s policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. Therefore, even if an external 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. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

## 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.

In fact, the [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#) published by the Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria (Four Critical Actions), sets out circumstances in which staff members **must** make these reports.

These reports can be made to either Child Protection or to the Police under section 183 of the CYFA. For more information, refer to [Non-Mandatory Reporting to Child Protection](#).

All School Staff, Volunteers or Contractors who have child safety concerns about a student should notify a Child Safe Officer as soon as possible to discuss their concerns. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

Even if you are not a Mandatory Reporter to Child Protection under the CYFA, you may still be required to make an external report to other agencies under other legislation or under our Child Protection Program. For more information, refer to [Non-Mandatory Reporting to Child Protection](#), [Reporting to Police](#) and [Responding to Other Concerns About the Wellbeing of a Student](#).

## When to Make a Mandatory Report

If you are a Mandatory Reporter, you must make a Mandatory Report when, **\*\*in the course of your work or duties\*\*** for the School, you form a **\*\*belief on reasonable grounds\*\*** that:

- a child **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.

You must make the Mandatory Report as soon as practicable after forming your reasonable belief.

To help you decide whether you should make a 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](#).

You must make additional reports if you become aware of any further grounds for your reasonable belief. For more information, refer to [Making Additional Reports](#).

Mandatory Reporters have a personal legal obligation to make a report. If you are a Mandatory Reporter and have formed the required belief, you must make a report even if you have discussed the matter with a Child Safe Officer or the 'Head' of the School and that person does not share your belief that a report must be made.

## 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, you must still make a report to Child Protection. For more information, refer to [Non-Mandatory Reporting to Child Protection](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>).

If a child safety incident or concern does not meet the requirements for [Mandatory Reporting to Child Protection](#) (for example because the concern is not about physical or sexual abuse or because the child’s parents have protected or are likely to protect the child from the harm), you must still follow other relevant procedures set out in this Child Protection Program, including [Reporting a Child Safety Incident or Concern Internally](#), and keeping records of observations. For more information, refer to [Child Protection Record Keeping](#).

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 a [Child Safe Officer](#). They are able to assist you in clarifying your concerns and managing the next steps.

## 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 CYFA, Mandatory Reports must be made to a “protective intervenor”. Protective intervenors are defined in the CYFA as the Secretary of Child Protection (or their delegate) and all Police officers.

If you have contacted Police, either as a result of [Responding to an Emergency](#) or [Reporting to Police](#), 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 delegates of the Secretary of Child Protection.

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 reporter of the outcome of the 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](<https://lyss.policyconnect.com.au/module/262/page/1407fc57-a9f0-464e-bc28-bc0a3ca245d0.md>), 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. You will also need to [report this internally](<https://ce-viewer.com/module/262/page/bb2703d3-de1a-4811-8794-b87f6914c439.md>).

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 Reporter as well as both internally and externally in accordance with [Reportable Conduct](#). If the staff member is a teacher, the School must also report to the Victorian Institute of Teaching. For more information, refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#).

## **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 the [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools]

([https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf)). For more information on how to record Mandatory Reports, refer to [Child Protection Record Keeping](<https://ce-viewer.com/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## **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 CYFA. 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 School. This includes duties that occur at School events that take place outside School grounds, such as sporting competitions, excursions and camps.

Incidents or concerns that arise outside of these duties (for example, while doing personal shopping outside school hours, a teacher witnesses a child being physically injured by their parent) do not fall into Mandatory Reporting requirements. 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 consent.

Section 162 of the CYFA sets out the grounds on which a child is considered to be 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 CYFA. It has been defined in case law, and is defined in the Victorian [Child Protection Manual](<http://www.cpmanual.vic.gov.au/>), 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 CYFA, but some examples may assist.

A parent who has not protected or is unlikely to protect that 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 rendered unlikely to protect that 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.

## **Non-Mandatory Reporting to Child Protection**

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy deals with the reporting of child safety incidents or concerns to the Department of Families, Fairness and Housing (Child Protection) when that reporting is not legally required under the Children, Youth and Families Act 2005 (Vic) (CYFA).

Staff should make a Non-Mandatory Report under this Policy only if they do not have an obligation to report under Mandatory Reporting to Child Protection.

This Policy must be read in conjunction with the Definitions and Key Indicators of Child Abuse and Other Harm, Reporting a Child Safety Incident or Concern Internally, Duty to Protect/Failure to Protect, Reporting to Police, Mandatory Reporting to Child Protection and Reportable Conduct. 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.

## Source of Obligation

Under section 28 of the CYFA, any person can make a report to Child Protection if they have a **\*\*significant concern\*\*** for the wellbeing of a child (aged under 17). We call this a “wellbeing report”.

Under section 183 of the CYFA, 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**. We (and the CYFA) call this a “protective intervention report”.

Under section 185 of the CYFA, 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 they are exhibiting **sexually abusive behaviours**. We call this a “therapeutic treatment report”.

Together, these are all referred to as Non-Mandatory Reports to Child Protection.

These reports are all voluntary under the CYFA (except for reporting by Mandatory Reporters).

However, although these reports are voluntary under the law, the Department of Education, 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 circumstances in which these reports **must** be made by Staff.

## Little Yarra Steiner School's Policy Regarding Non-Mandatory Reporting to Child Protection

All Staff **\*\*must\*\*** comply with the [Four Critical Actions] ([https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)).

In effect, the Four Critical Actions require 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 School’s policy that:

1. All staff members **must** either make a report to Child Protection under sections 28, 183 or 185 of the CYFA, 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 <a href="#">Responding to Other Concerns About the Wellbeing of a Student</a>
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 below.

2. Child Safe 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.

3. 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 Safe 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.

## 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](#).

You should also consider whether a referral to a support service is required. For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

It is the School’s policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. Therefore, even if an external 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. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

## When to Make a Wellbeing Report

A wellbeing report may be made 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.

A wellbeing report can be made even if the child is not in need of protection (for example because the child's parent is likely to protect the child from the harm).

Instead of making a wellbeing report you may 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](#).

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 Safe Officer or you may contact Child Protection or Child FIRST for advice.

## When to Make a Protective Intervention Report

A protective intervention report may be made 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.

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.

It is the School's policy that, where a protective intervention report is to be made, it must be made without delay as soon as the belief on reasonable grounds that a child is in need of protection has been formed. This must be done regardless of any other action you take in relation to the child.

To help you decide whether or not you should make a protective intervention report, you should discuss your concerns with a Child Safe Officer or you may contact Child Protection for 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 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](#).

## When to Make a Therapeutic Treatment Report

A therapeutic treatment report may be made when you form a **“belief on reasonable grounds”** that a child is in need of therapeutic treatment because they are exhibiting **“sexually abusive behaviours”**.

It is the School’s policy that, where a therapeutic treatment report is to be made, it must be made without delay as soon as the belief on reasonable grounds that a child is in need of therapeutic treatment has been formed. This must be done regardless of any other action you take in relation to the child (and in particular, any [Reporting to Police](#) under [Responding to Incidents of or Concerns About Student Sexual Offending](#)).

To help you decide whether or not you should make a therapeutic treatment report, you should discuss your concerns with a Child Safe Officer or you may contact Child Protection for advice. You may also refer to Child Protection’s publication [Problem Sexual Behaviour or Sexually Abusive Behaviour](#).

For more information, refer to [Responding to Sexual Behaviour in Children and to Student Sexual Offending](#).

## 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 procedures set out in the Child Protection Program, including [[Reporting a Child Safety Incident or Concern Internally](#)](<https://ce-viewer.com/module/262/page/bb2703d3-de1a-4811-8794-b87f6914c439.md>), [[Non-Mandatory Reporting to Police](#)](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>), and [[Child Protection Record Keeping](#)](<https://lyss.policyconnect.com.au/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

You should also consider whether 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](#).

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 a Child Safe Officer.

They can assist you in clarifying your concerns and managing the next steps.

If the matter does not need to be reported to Child Protection, the Child Safe 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](#).

## 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 CYFA, protective intervention reports must be made directly to a “protective intervenor”. Protective intervenors are defined in the CYFA as the Secretary of Child Protection (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](#), 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 delegates of the Secretary of Child Protection.

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, Child Protection is required by section 210 of the CYFA 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 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, you do not need to report 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. 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](<https://lyss.policyconnect.com.au/module/262/page/1407fc57-a9f0-464e-bc28-bc0a3ca245d0.md>) if you have further information. You will also need to [report this internally](<https://lyss.policyconnect.com.au/module/262/page/bb2703d3-de1a-4811-8794-b87f6914c439.md>).

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. If the staff member is a teacher, the School must also report to the Victorian Institute of Teaching. For more information, refer to Reporting Teacher Misconduct to the Victorian Institute of Teaching.

## Record Keeping about Non-Mandatory Reports to Child Protection

When a staff member makes a Non-Mandatory Report to Child Protection in response to a child safety incident or concern, this must be recorded on the [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools] ([https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf)). For more information on how to record Non-Mandatory Reports, refer to [Child Protection Record Keeping](<https://viewer.com/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## 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, 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 consent.

Section 162 of the CYFA states that a child is in need of protection if any of the following grounds exist:

- the child has been abandoned by his or her parents and after reasonable inquiries
  - the parents cannot be found; and
  - no other suitable person can be found who is willing and able to care for the child; or
- the child's parents are dead or incapacitated and there is no other suitable person 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 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 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](#))
- 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 be constituted by a single act, omission or circumstance or 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 Child Protection’s publication [Problem Sexual Behaviour or Sexually Abusive Behaviour](#).

## **Significant harm**

Significant harm is not defined in the CYFA. It has been defined in case law, and is defined in the Victorian [Child Protection Manual](<http://www.cpmanual.vic.gov.au/>), 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 CYFA. It likely means concern that 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 CYFA, but some examples may assist.

A parent who has not protected or is unlikely to protect that 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 rendered unlikely to protect that 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.

## Reporting to Police

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with the [Definitions and Key Indicators of Child Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Duty to Protect/Failure to Protect](#), [Non-Mandatory Reporting to Child Protection](#), [Mandatory Reporting to Child Protection](#) and . 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.

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

### Source of Obligation

Under section 327 of the Crimes Act 1958 (Vic) (Crimes Act) anyone aged 18 years or over (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 a person aged 18 years or over.

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", although its full title is "Failure to disclose sexual offence committed against child under the age of 16 years".

This obligation to report sexual offences against children to Police applies to anyone aged 18 years or over.

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

## Who at the School Must Report to Police?

Mandatory Reporting (of Sexual Offences Against Children) to Police applies to all Staff, Volunteers, Contractors, parents/carers and students aged 18 or over, whether they are in Victoria or elsewhere.

## What Must be Reported?

All information that leads you to form 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 be reported to Police.

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 Incidents of or Concerns About Student Sexual Offending](#).

## 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.



This means that an additional Mandatory Report (of Sexual Offences Against Children) is not usually required if a report about the sexual offence has been made to Department of Families, Fairness and Housing (Child Protection) in accordance with [Mandatory Reporting to Child Protection](#).

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 School).

## 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](<https://lyss.policyconnect.com.au/module/262/page/90dad21a-dbf-4ffd-b110-1b1ee509a03b.md>)) and [Non-Mandatory Reporting to Child Protection](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>)), reporting obligations under the Reportable Conduct Scheme (refer to [Reportable Conduct](<https://lyss.policyconnect.com.au/module/262/page/037b31f7-7392-47c9-8adf-175e3b9a2909.md>)) and obligations to report to the Victorian Institute of Teaching (refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching](<https://lyss.policyconnect.com.au/module/262/page/24555099-9c46-431f-a854-56c45cdcff.md>)).

## Non-Mandatory Reporting to Police

Although not required by law, it is the School's policy that all Staff, Volunteers and Contractors **\*\*must\*\*** report the following to the Police:

- sexual offences committed by a student under the age of 18 against another person (refer to [Responding to Incidents of or Concerns About Student Sexual Offending](#))
- concerns for a student's immediate safety (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 (refer to [Information Sharing with Consent](#) and [Information Sharing without Consent](#))
- concerns that 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](#)).

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](#).

## 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](#).

## Record Keeping about Reports to Police

When a Report to Police 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](#) or
- [PROTECT Responding to Suspected Student Sexual Offending - a Template for All Victorian Schools](#).

For more information on how to record reports to Police, refer to [Child Protection Record Keeping](#).

## Key Definitions

### 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.

For example, you may form a reasonable belief if:

- a child aged under 16 tells you that they are being or have been sexually abused
- a young person aged 16 or over tells you that they were sexually abused when under the age of 16
- a child or young person tells you that they know someone who is being or has been sexually abused (sometimes they may be talking about themselves)
- someone who knows the child or young person tells you that the child or young person is being or has been sexually abused
- you observe signs of sexual abuse in a child or young person that lead you to believe that the child or young person is being or has been sexually abused
- you are a qualified professional who observes a child or young person's behaviour or development, which leads you to believe the child or young person has been sexually abused.

Rumours or unfounded suspicions do not rise to the level of a reasonable belief.

### Sexual Offence

The Crimes Act sets out what is a sexual offence. This includes:

- rape
- indecent assault
- incest
- sexual penetration
- grooming a child, or a person who has the care, supervision or authority of a child (aged under 16) for sexual conduct with the child
- encouraging a child to engage in, or be involved in, sexual activity.

A sexual offence includes an attempted sexual offence.

### Reportable Conduct

Key terms in this Policy are **bolded**, and their definitions are listed in the [Reportable Conduct Key Definitions](#) section of this Policy.

This Policy must be read in conjunction with the [Definitions and Key Indicators of Child Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Duty to Protect/Failure to Protect](#), [Reporting to Police](#), [Non-Mandatory Reporting to Child Protection](#) and [Mandatory Reporting to Child Protection](#). 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.

## Source of Obligation

The Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) requires the School 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**.

Under the CWS Act, the “head” of the School must notify the CCYP of a **reportable allegation** against an employee of which the “head” becomes aware. The “head” of the School must also notify the CCYP of the outcomes of the School’s internal investigation into the matter.

## Who is the “Head” of the School?

The “head” of the School for the purpose of the reportable conduct scheme is the Board Chair of Little Yarra Steiner School.

The Board Chair has authorised the Principal to undertake certain functions to assist in meeting their obligations under the CWS Act, as set out in the relevant sections of this Policy.

## Reportable Conduct Policy

This Policy sets out, in its subsections, Little Yarra Steiner School's expectations, systems and procedures for enabling persons to report reportable conduct both internally and to the CCYP, for the Principal to report reportable allegations to the CCYP, and for these reports to be investigated and responded to by the School.

The CCYP’s [website](#) provides additional guidance and materials which assist the School to understand and meet its obligations under the CWS Act.

This Policy is divided into the following sections:

- [Reportable Conduct Key Definitions and Guiding Information](#)
- [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally](#)
- [Reportable Conduct for the School Management and Child Safe Officers](#)
  - [Head of the School's Responsibilities](#)
  - [Notifying the CCYP](#)
  - [Initial Response to Reportable Allegation](#)
  - [Risk Management and Risk Assessments \(Reportable Conduct\)](#)

- [Investigating Reportable Allegations](#)
- [Making a Finding About Reportable Conduct](#)
- [Post-Investigation Actions](#)
- [Information Sharing About Reportable Conduct Investigations](#)
- [Record Keeping About Reportable Conduct](#)

## Reportable Conduct Key Definitions and Guiding Information

### Aware: When is the Principal (or the Board Chair on their behalf) “Aware” of a Reportable Allegation?

The Principal 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, including the Principal, 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](#) and [Child Protection Complaints Management](#).

## Child

Section 3 of the CWS Act defines a “child” as a person under the age of 18.

The child does not have to be a student at the School.

## Employee

Section 3 of the CWS Act defines an “employee” as a person aged 18 years or over who is:

- employed by the School, whether or not that person is employed in connection with any work or activities of the School that relate to children; or
- engaged by the School to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children
- a minister of religion, a religious leader, or an employee or officer of a religious body

This means that, at the School, the following people are considered to be employees (provided that they are aged 18 or over):

- the Board members and Little Yarra Steiner School officers and employees
- the Principal
- staff members
- Volunteers (including Board members)
- Contractors (including External Education Providers)
- ministers of religion

## Reasonable Belief

Guidance from the CCYP states that a “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” as 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 School.

## Reportable Conduct

Section 3 of the CWS Act defines “reportable conduct” as:

- 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.

## 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 offences
- 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; and
- 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 and apprehended physical violence.

### Actual Physical Violence

An employee intentionally or recklessly uses physical force against, with or in the presence of a child which 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.

Actual 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; and
- there must be a clear link between the alleged behaviour and the harm suffered by the child; and
- the harm must be significant.

"Significant" 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 also causes emotional or psychological harm.

## **Is the behaviour subject to an exemption?**

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 says that neglect is "significant" if there has been a deliberate or reckless omission or omissions that have had, or could have, considerable force or effect on the safety or wellbeing of the child who is the victim of the neglect.

The CCYP has identified four types of significant neglect that may constitute 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

### Scope

This Policy applies to:

- Board of Directors members
- the Principal
- all Staff, including teaching and non-teaching Staff, casual Staff and teaching students on placement
- Direct Contact Contractors
- Direct Contact Volunteers

(together referred to collectively as “Staff” or “staff members”).

### Responsibilities

The Board Chair has authorised the Principal to receive internal reports of reportable conduct.

## Little Yarra Steiner School's Policy - Staff Obligations

To enable the School to meet its obligations under the CWS Act, if a staff member forms a **reasonable belief** that an **employee** at the School has engaged in **reportable conduct** or misconduct that may involve reportable conduct, or otherwise becomes aware of a **reportable allegation** against an employee, the staff member **must** report this internally, as soon as possible, to:

- the Principal (or the Board Chair if the allegations involve the Principal); or
- a School Child Safe Officer.

Staff members **may**, if they wish, also make a report directly to the CCYP.

Staff members **must also**:

- cooperate in any internal investigation
- maintain confidentiality (refer to [Confidentiality and Privacy](#))
- ensure that records of all verbal and written communications are maintained and stored securely (refer to [Child Protection Record Keeping](#)).

Any incident or allegation that involves possible criminal conduct by an employee **must** also be reported to the Victorian 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 School under this Policy. For more information, refer to [Responding to an Emergency](#) and [Reporting to Police](#).

## How to Report Internally

Staff can make their internal report to the Principal, Board Chair or Child Safe Officer 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 the 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.

*Any member of the School community, including Staff, parents/carers and students, may also, at any time, reports directly to the CCYP using an online form available from the CCYP's [website](#), by phone on 1300 78 29 78 or by letter.*

## Who is an Employee?

Employees are defined in the CWS Act and include all Staff, all Volunteers and all Contractors, regardless of whether or not they are employed or engaged in connection with or to provide services to children. For the full definition of “employee”, refer to [Reportable Conduct Key Definitions](<https://lyss.policyconnect.com.au/module/262/page/19ec1aeb-4f29-49fb-bdd7-4596b644e27c.md>).

## 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 School.

The child does not have to be a student at the School. For more information, refer to [Reportable Conduct Key Definitions](#).

## What is not Reportable Conduct?

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 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 Protection Codes of Conduct

Our Child Protection Codes of Conduct outline expected standards of behaviour for all Staff at the School. However, breaches of these 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 Safe Code of Conduct but may not amount to reportable conduct.

These kinds of breaches of our Child Protection Codes of Conduct can be dealt with at the School level and the School does not need to report them to the CCYP. However, all breaches of these Codes of Conduct must still be reported internally under our [Child Protection Codes of Conduct](#).

## What to Do if Unsure Whether Employee Behaviour is Reportable Conduct

In some cases, an investigation by the School may still be needed to determine whether the alleged conduct is reportable conduct or not, for example, if it is reasonable or accidental.

It is the School's policy that any use of physical force by an employee against a student must be reported internally under this Policy, to enable such an investigation.

Staff members who are unsure whether employee behaviour amounts to reportable conduct, or whether an investigation may be necessary to determine whether it amounts to reportable conduct, should discuss this with a [Child Safe Officer](#), who can assist in clarifying concerns and reporting obligations under this Policy.

## 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 mandatory 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, if a child safety incident or concern involving conduct by an employee requires Mandatory Reporting to Child Protection or Reporting to Police, it must also be reported internally and to the CCYP by the School under this Policy.

A failure to make a report in accordance with this Policy may also amount to the Failure to Protect offence under the Crimes Act 1958 (Vic). For more information, refer to [Duty to Protect/Failure to Protect](#).

## **Reportable Conduct for the School Management and Child Safe Officers Policies and Procedures**

This section of the Reportable Conduct Policy sets out, in the following subsections, the policies and procedures that the School will follow when it becomes aware of a [reportable allegation](#) involving an [employee](#):

- [Head of the School's Responsibilities](#)
- [Notifying the CCYP](#)
- [Initial Response to Reportable Allegation](#)
- [Risk Management and Risk Assessments \(Reportable Conduct\)](#)
- [Investigating Reportable Allegations](#)
- [Making a Finding About Reportable Conduct](#)
- [Post-Investigation Actions](#)
- [Information Sharing About Reportable Conduct Investigations](#)
- [Record Keeping About Reportable Conduct](#)

## **Who Undertakes the School's Responsibilities Under the CWS Act?**

The Board Chair has authorised the Principal to undertake particular functions with respect to notifying the CCYP and managing investigations of reportable allegations, as set out in the policies and procedures in this section. The Board Chair can also authorise any other person (such as an external investigator) to undertake certain functions.

References in this section of the Child Protection Program to the Principal therefore include these other people, when they are undertaking the "head" of the School's functions under the CWS Act.

### **Head of the School's Responsibilities**

The "head" of an entity to which the reportable conduct scheme applies has distinct responsibilities under the CWS Act, set out 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.

## **Who is the "head" of the School?**

Section 3(1) defines who is the "head" of an entity to which the reportable conduct scheme applies. Relevant to the School, it includes:

- the chief executive officer of the entity (however described); or

- if there is no chief executive officer, the principal officer of the entity (however described); or
- if there no chief executive officer or principal officer, a person, or the holder of a position in the entity, nominated by the entity and approved by the CCYP.

At the School the “head” for the purposes the reportable conduct scheme is the Board Chair of Little Yarra Steiner School.

## What are the “Head” of the School’s Responsibilities Under the CWS Act?

As the “head” of the School, the Board Chair is responsible for ensuring that the School complies with the Reportable Conduct Scheme obligations under the CWS Act.

They cannot *delegate* their responsibilities under the CWS Act – they are still solely responsible for ensuring the School’s compliance with the Reportable Conduct Scheme. However, they can seek the assistance of others to fulfill their responsibilities.

The Board Chair 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.
- 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 School’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](#), clearance from Police must be obtained before commencing or continuing the investigation. Similarly, if the matter was reported to Child Protection under [Mandatory Reporting to Child Protection](#) or [Non-Mandatory Reporting to Child Protection](#), clearance from Child Protection should be obtained 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 School’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](#).

For more information, refer to [Notifying the CCYP](#).

## Fulfilling the Head of Entity Responsibilities Under the Act

The Board Chair has authorised the Principal to undertake certain functions to assist in meeting their obligations under the CWS Act, as set out in the relevant sections of our Child Protection Program.

This includes in particular:

The Board Chair may also authorise the Principal or any other person in writing, to carry out other physical or practical tasks in particular matters.

### **Notifying the CCYP**

When the Principal becomes **aware** of a **reportable allegation**, they must notify the CCYP at several different stages of the matter.

Any allegation that involves possible criminal conduct by an employee must also be reported to the Victorian 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 School under this Policy.

## **What Must be Notified to the CCYP?**

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 School'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 School's internal investigation into the matter as soon as practicable after the internal investigation has concluded (**Investigation Outcome Update**).

These notifications must all 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**

This notification to CCYP must be made 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 School

- the name of the Principal.

If the employee is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the School must also immediately notify the Victorian Institute of Teaching (VIT) under our [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#) policy. The timing of making a Three Day Notification to the Commission under this Policy will coincide with the timing of a report made to the VIT.

## 30 Day Update

This notification to CCYP must be made 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 School's response, to date, to the reportable allegation
- whether or not the School 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, the Principal must investigate, or permit a Regulator or an independent investigator to investigate the reportable allegation. The Principal 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 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 School proposes to take in relation to the employee and the reasons for that action
- if the School 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 School 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**

Section 167K of the CSW Act requires the “head” of the School to ensure that the School has a system in place to investigate and respond to a reportable allegation against an employee.

When the “head” of the School 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.

## **Interim Action and Support**

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 School. 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.

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.

## **Initial Response Procedures**

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: Risk Assessments](#))
- consider whether a child is “in need of protection”, and if so, follow the procedures for [Mandatory Reporting to Child Protection](#) or [Non-Mandatory Reporting to Child Protection](#)
- consider whether the allegation may constitute a criminal offence and if so, make a [Report to Police](#) before taking any further action
- notify the Board Chair
- 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](#))
- assess any possible risks posed by the relevant employee to other children in the School’s care and take any necessary interim action to ensure their safety and wellbeing (refer to [Risk Management: Risk Assessments and Duty to Protect/Failure to Protect](#))



- consider other requirements for communicating details of the allegation within or outside the School (refer to [Sharing Information Relating to a Student's Safety or Wellbeing](#))
- 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)**

When responding to a reportable allegation, the Principal 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.

## **Stage One: After Becoming Aware of a Reportable Allegation**

Immediately after becoming aware of a reportable allegation, the Principal will conduct a initial risk assessment which considers:

- the nature and seriousness of the allegation
- the vulnerability of the children who the employee would be in contact with while at the School – considering their age, communication skills, etc.
- the nature of the position occupied by the employee including the level of contact and interaction that 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 School, a decision should be made 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 a reportable 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 about final risk assessments, refer to [Making a Finding of Reportable Conduct](<https://ce-viewer.com/module/262/page/b4693c3d-21ff-47fe-83e1-12c347f71e86.md>) and [Post-Investigation Actions](<https://ce-viewer.com/module/262/page/712e7654-2def-435e-9e21-60cca7113c22.md>).

### **Investigating Reportable Allegations**

Section 16N(1) of the CWS Act requires that, as soon as practicable after becoming aware of a **reportable allegation** against an **employee**, the Principal must investigate the reportable allegation or permit a regulator or an independent investigator to investigate it.

We refer to this as an “internal investigation”.

## **Who Conducts the Internal Investigation?**

The School’s internal investigation can be conducted by the Principal or the Board Chair or any person authorised by the Board Chair. 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 School manages actual or reasonably perceived conflicts of interest through our Conflicts of Interest Policy.

## **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 School.

The CCYP might investigate if:

- it believes on reasonable grounds that reportable conduct may have been committed by an employee of the School and that it is in the public interest for the CCYP to investigate the reportable allegation
- the Regulator or the School 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 School 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 School’s handling of or response to a reportable allegation. The CCYP may visit the School, 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 School 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.

## Internal Investigations and Investigations by Other External Agencies

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 School.

The Principal must consult with the Police before the commencement of any internal investigation to find out if the Police are, or will be, conducting an investigation and, if they are, the School must not commence any internal 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, the School's internal investigation must be put on hold until the Police investigation is complete or the Police agree that the School'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](#) or [Non-Mandatory Reporting to Child Protection](#)) do not, under the CWS Act, have the same effect on the School's internal investigation.

However, if the matter has been reported to Child Protection, the Investigator should 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.

## Establishing the Investigation

Whether the Investigator is the Principal or not, it is important to establish a focus and a clear purpose of the investigation.

If the Investigator is not the Principal, the Principal should develop, and give the Investigator Terms of Reference that describe the proposed scope of the internal investigation. The Terms of Reference should:

- set out whether or not the Investigator is to make or recommend possible findings about the reportable allegations (i.e. whether the Investigator is also the decision-maker: refer to [Making a Finding About Reportable Conduct](#))
- be broad enough to enable the Investigator to consider and make recommendations about the School'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

The internal investigation must be conducted in accordance with the rules of procedural fairness and natural justice. For example, the internal investigation should be conducted without bias and the person against whom the allegation is

made should be given the right to respond.

The CCYP's [Guidance for Organisations: Investigating a Reportable Conduct Allegation](#) sets out the minimum standards that must be followed when planning and conducting reportable allegation investigations under the CWS Act.

Once the Investigator has permission to proceed with an internal investigation into a reportable allegation, they should:

- plan investigative actions and document any decisions that are made 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 internal 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 internal investigation, the Investigator must:

- implement the School's systems to uphold confidentiality and deal with any breaches of confidentiality
- remind everyone involved in the investigation of the importance of confidentiality
- if appropriate, advise the affected child and/or their parents/carers of the steps involved in the investigation and of its progress
- if appropriate, ask the child and/or their parents/carers for permission to interview the child
- record all interviews verbatim where possible, and ensure that records are verified as a true record by being signed and dated by all involved
- document any other allegations that emerge during the investigation process together with details of any action taken by the School
- document all decisions, advice and discussions made in relation to the investigation
- if appropriate, advise all relevant parties are advised of the outcome of the investigation (refer to [Information Sharing About Reportable Conduct Investigations](#)).

## Gathering Evidence

The first step in an internal investigation is usually 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 and/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 (refer to [Sharing Information Relating to a Student's Safety or Wellbeing](#)).

All information and evidence collected in relation to the internal investigation must be kept in a safe and secure location. For more information, refer to [Record Keeping About Reportable Conduct](#).

Records relating to a reportable conduct investigation are maintained in accordance with [Child Protection Record Keeping](#).

## 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 straightaway. 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 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 internal 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 in the event that 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 verbatim where 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 internal investigation, the Investigator and/or the Principal should ensure that appropriate ongoing support is provided for:

- the child/ren who are the subject of the allegation
- the employee who is 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 findings of fact if permitted by the Terms of Reference (the standard of proof for making any findings of fact is the 'balance of probabilities')
- identify the findings in relation to each allegation as to whether the allegations are substantiated or not
- if permitted by the Terms of Reference, make any findings or propose any recommendations about these findings.

The Investigator must prepare an Investigation Report. The Investigation Report should reflect the Terms of Reference and should as a minimum:

- clearly and separately identify and particularise each reportable allegation
- summarise the internal 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 the underlying findings of fact made by the Investigator, if 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 made by the Investigator as to whether the allegations are substantiated or not, and the evidence relied on in making these recommendations or reaching these conclusions (refer to [Making a Finding About Reportable Conduct](#)).

If, under the Terms of Reference, a decision-maker other than the Investigator will be making the findings (for example, the Principal may be the decision-maker), the Investigator must provide all documentation related to the internal investigation to the decision-maker to enable them to make any findings.

### Making a Finding About Reportable Conduct

## 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.

## 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 is the decision-maker, they must include their findings in relation to each allegation in the Investigation Report.

The findings will inform the School's child protection 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 relevance 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 that the alleged conduct is sustained.

For more information about making findings about reportable conduct, refer to the CCYP's [Information sheet 8: Investigation Findings](#).

## Possible Reportable Conduct Findings

There are five possible findings that the decision-maker can make following an investigation. These are:

1. **Substantiated**: the evidence suggests that it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.
2. **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
3. **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

4. **Unfounded:** there is strong evidence, and therefore it is more likely than not, that the reportable conduct did not happen
5. **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.

## Reasons for Findings

The Principal must notify the CCYP of the 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

The School 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.

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](#) and [Working with Children Checks](#))
- 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
- review the internal 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 School's care, including possible disciplinary action in relation to the employee who is the subject of the allegation, amendments to policies 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 School proposes to take in relation to the employee and the reasons for that action
  - if the School 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 [Child Protection Record Keeping](#) policy.

## Information Sharing About Reportable Conduct Investigations



Certain information about reportable conduct investigations can, and in some cases cannot, be shared with external people and organisations.

## Information Sharing with Children, Parents and Carers

Under section 16ZB of the CWS Act, the “head” of the School, 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](#).

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](#).

## Information Sharing with External Agencies

Under section 16ZC of the CWS Act, the “head” of the School, 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 WWCC, the Secretary to 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](#).

## Confidential Information Not to be Published

Under the CWS Act, it is an offence for any person (including staff members, the Principal, the Board 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](#).

### Record Keeping About Reportable Conduct

Under the CWS Act and CCYP guidance, certain information about reportable allegations and internal investigations must be documented.

The following information must be documented in relation to each reportable allegation:

- the allegation
- the School'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](#))
- the Stage One risk assessment conducted by the Principal (refer to [Risk Management: Risk Assessments](#))
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and the 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](#))
- 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](#)), 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](#)).

Where possible, records should be verbatim, and verified, signed and dated by all involved.

For more information about our policies and procedures for maintaining reportable conduct records, refer to [Child Protection Record Keeping](#).

## Reporting Teacher Misconduct to the Victorian Institute of Teaching

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with the [Definitions and Key Indicators of Child Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Duty to Protect/Failure to Protect](#), [Reporting to Police](#), [Non-Mandatory Reporting to Child Protection](#), [Mandatory Reporting to Child Protection](#) and [Reportable Conduct](#). 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.

## Purpose

Registered teachers in Victoria are exempt from holding a WWCC 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 to and considers similar information and undertakes a similar assessment as WWCC 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 is designed to ensure that Staff who are registered teachers and the School meet their responsibilities to notify the VIT of required information relevant to child protection. It is also designed to ensure that teaching Staff who would fail the WWCC (were they not exempt) are removed from employment or engagement at the School.

For more information about teachers' registration with the VIT, refer to our [Teacher Registration Policy](#) in School Registration.

## Source of Obligation

Under section 2.6.57 of the Education and Training Reform Act 2006 (Vic) (Education Reform Act), registered teachers must notify the VIT if they are committed for trial or been convicted or found guilty of certain criminal offences that accord with those relevant to [Working with Children Checks](<https://lyss.policyconnect.com.au/module/262/page/b9aa48e7-05d3-47a4-90c4-cd847303b67b.md>) and include this information in any application for registration or renewal of their registration.

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 School must notify the VIT if the School 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 School 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 of the Education Reform Act requires that the School 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.

## Little Yarra Steiner School's Policy – Staff Obligations

Staff who are registered teachers must meet their obligations under the Education Reform Act and **\*\*must\*\*** 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.

They **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, using the Notification Form found [here](#).

In addition, to enable the School to meet its obligations under the Education Reform Act:

- **Staff who are registered teachers must** inform the Principal (or, if the person is the Principal, the Board Chair) 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 Assistant Principal) 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.

## Little Yarra Steiner School's Policy - The School's Obligations

Where the School becomes aware of any incident or allegation that raises concerns about a teacher's fitness to teach, the Principal (or, if the incident or allegation involves the Principal, the Board Chair) 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](#), [Non-Mandatory Reporting to Child Protection](#) and [Reporting to Police](#))
- an internal investigation under our [Reportable Conduct](#) policy, in which case that investigation is the internal investigation for the purposes of this Policy.

Where the School becomes aware that a teacher has been:

- convicted or found guilty of certain criminal offences that accord with those relevant to [Working with Children Checks](#); or
- given a negative notice in relation to a WWCC,

the School must dismiss or remove the teacher from its employment or engagement.

In either case, the School must make the required notifications to the VIT.

## Who Notifies and What Must be Notified to the VIT?

The Principal (or, if the incident or allegation involves the Principal, the Board Chair) must notify the VIT if the School has taken "action" against a registered teacher, whether as a result of its internal investigation or otherwise.

"Actions" which will be reported by the School to the VIT include (but are not limited to):

- any final disciplinary actions taken by the School 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 School that it is inquiring into allegations.

The School should also notify the VIT if a teacher takes action against the School 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; or
- 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 School 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 School about the registered teacher (including from Staff, parents and students)
  - correspondence between the School 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](#).

## 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 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 School, 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 which 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 Protection Codes of Conduct

Our Child Protection Codes of Conduct outline expected standards of behaviour for all Staff at the School. Teachers in Victoria are also expected to comply with the Victorian Institute of Teaching's Victorian Teaching Profession's Code of Conduct. However, breaches of these Codes of Conduct will not always constitute teacher misconduct that is reportable to the VIT. Some breaches of our Child Protection Codes of Conduct can be dealt with at the School level and the results

of the investigation would not need to be reported to the VIT by the School. 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 Protection Codes of Conduct but may not amount to serious misconduct and/or may not result in action being taken against the teacher.

However, all breaches of Codes of Conduct must still be reported internally under the Child Protection Codes of Conduct.

## 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](<https://ce-viewer.com/module/262/page/90dad21a-db1f-4ffd-b110-1b1ee509a03b.md>)) and [Non-Mandatory Reporting to Child Protection](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>)), obligations to report to Police (refer to [Reporting to Police](<https://lyss.policyconnect.com.au/module/262/page/1407fc57-a9f0-464e-bc28-bc0a3ca245d0.md>)) and reporting obligations under the Reportable Conduct Scheme (refer to [Reportable Conduct](<https://lyss.policyconnect.com.au/module/262/page/037b31f7-7392-47c9-8adf-175e3b9a2909.md>)).

## Record Keeping About VIT Notifications

For the School's record keeping obligations relating to VIT Notifications, refer to [Child Protection Record Keeping](<https://lyss.policyconnect.com.au/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## Key Definitions

### 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; or
- 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 Protection 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 person is not fit to practise as a teacher. In many (but not all) cases, breaches of the Child Protection Codes of Conduct could meet this definition.

## Impairment

Impairment is defined as a:

- physical or mental impairment; or
- 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.

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

Staff respond to a range of student behaviour as a part of their everyday role at the School. However, Staff require specific guidance 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, in the following policies, the School's expectations, systems and procedures for enabling Staff to respond to sexual behaviour in students:

- [Recognising and Responding to Sexual Behaviour in Children](#)
- [Responding to Incidents of or Concerns About Student Sexual Offending](#)

## Recognising Sexual Behaviour

Sexual behaviours are not just about sex – they include any talk, touch, questions, conversations and interests which relate to sexuality and relationships. Sexuality is integral to a person's identity and develops throughout life. It is natural for children to express their sexuality through behaviour. Healthy sexual behaviour may be expressed in a variety of ways through play and relationships and relates to the stage of development. For more information, refer to



[Recognising and Responding to Sexual Behaviour in Children](https://lyss.policyconnect.com.au/module/262/page/705a17d5-b662-4b71-bdde-ef23b68df38a.md).

## 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. For more information, refer to [Recognising and Responding to Sexual Behaviour in Children](#).

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 amounts to 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 constitute 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
- image-based sexual offences.

Different laws regarding criminal responsibility apply for children under or above 10 years of age. Children aged under 10 cannot commit a criminal offence.

For the harmful sexual behaviour to be considered student sexual offending, the target or victim of the behaviour must be another person. It does not matter whether that person is a student at the School, another child or an adult.

In addition, under Victorian law, certain people are considered unable to consent to sexual activity:

- 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 School 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 Incidents of or Concerns About Student Sexual Offending](#).

## **What is Not Student Sexual Offending**

### **Problem Sexual Behaviour in Students Under 10 Years of Age**

Harmful sexual behaviour by a student aged under 10 is not student sexual offending, even if the behaviour would – but for the age of the student – be a sexual offence. This is because, under the Crimes Act, children under 10 years of age cannot commit a criminal offence.

When children aged under 10 years display harmful sexual behaviour this is often called “problem sexual behaviour”.

Problem sexual behaviour is sexual behaviour in a younger child that is developmentally inappropriate and/or aggressive. Such behaviour may include:

- frequent, repeated self-focused sexual behaviour, for example compulsive masturbation
- sexual behaviour between younger children who do not know each other well
- high-frequency occurrences of sexual behaviour that interfere with normal childhood activities
- sexual behaviour associated with emotional distress
- sexual behaviour between younger children who are of different ages and development levels
- aggressive, forced and/or coerced interaction between younger children
- behaviour that does not stop once the child is told to stop, or occurs in secrecy
- behaviour that causes harm to the child or other children.

For more information, refer to [Recognising and Responding to Sexual Behaviour in Children](#).

### **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 a 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. For more information, refer to [\[Recognising and Responding to Sexual Behaviour in Children\]\(https://ce-viewer.com/module/262/page/705a17d5-b662-4b71-bdde-ef23b68df38a.md\)](#).

### **Recognising and Responding to Sexual Behaviour in Children**

## Identifying Sexual Behaviour

The School 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 will likely 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 Under 5

### Green light sexual behaviour may include:

- comfort in being nude
  - body touching and holding own genitals
  - unselfconscious masturbation
  - interest in body parts and functions
  - wanting to touch familiar children's genitals during play, toilet or bath times
  - participation in make believe games involving looking at and/or touching the bodies of familiar children (e.g. "show me yours and I'll show you mine", playing 'family')
  - asking about or wanting to touch the breasts, bottoms, or genitals of familiar adults (e.g. when in the bath).

### Orange light sexual behaviour may include:

- masturbation in preference to other activities
  - preoccupation with sexual behaviours
  - persistently watching others in sexual activity, toileting or when nude
  - explicit sexual talk, art, or play
  - following others into private spaces (e.g. toilets, bathrooms to look at them or touch them)
  - pulling other children's pants down or skirts up against their will

- touching the genitals/private parts of other children in preference to other activities
- attempting to touch or touching adults on the breasts, bottom, or genitals in ways that are persistent and/or invasive
- touching the genitals/private parts of animals after redirection.

### **Red light sexual behaviour may include:**

- compulsive masturbation which may be self-injurious, of a persistent nature or duration
  - persistent explicit sexual themes in talk, art, or play
  - disclosure of sexual abuse
  - simulation of sexual touch or sexual activity
  - persistently touching the genitals/private parts of others
  - forcing other children to engage in sexual activity
  - sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex
  - presence of a sexually transmitted infection.

### **For Students Aged 5-9**

#### **Green light sexual behaviour may include:**

- increased sense of privacy about bodies
  - body touching and holding own genitals
  - masturbation, usually with awareness of privacy
  - curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children (e.g. "show me yours and I'll show you mine", playing 'family')
  - curiosity about sexuality (e.g. questions about babies, gender, relationships, sexual activity)
  - telling stories or asking questions, using swear words, 'toilet' words or names for private parts
  - 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, with others and/or causing self-injury
  - explicit talk, art or play of sexual nature
  - persistent questions about sexuality despite being answered
  - persistent nudity and/or exposing private parts in public places
  - persistently watching or following others to look at or touch them
  - pulling other children's pants down or skirts up against their will
  - persistently mimicking sexual flirting behaviour too advanced for age, with other children, young people, or adults
  - touching genitals/private parts of animals after redirection
  - use of mobile phone and internet with known and unknown people which may include giving out identifying details.

#### **Red light sexual behaviour may include:**

- compulsive masturbation (e.g. self-injuring, self-harming, seeking an audience)
  - disclosure of sexual abuse
  - persistent bullying involving sexual aggression (e.g. pulling/lifting/removing other children's clothing, sexually threatening notes, drawing, text messages)
  - sexual behaviour with significantly younger or less able children
  - accessing the rooms of sleeping children to touch or engage in sexual activity
  - simulation of, or participation in, sexual activities (e.g. oral sex, sexual intercourse)
  - presence of a sexually transmitted infection
  - persistent sexual activity with animals
  - using mobile phones and internet which includes giving out identifying details or sexual images.

## **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 among 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)
  - forcing 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 which 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

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

Most sexual behaviours are normal and healthy and will be in the green light category. Green light behaviours present opportunities to communicate with children about healthy sexuality.

Orange or red light sexual 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 sexual 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
- the behaviour amounts to a [sexual offence](#).

All Staff, Volunteers, and Contractors (together referred to as “Staff” or “staff members for the purposes of this Policy) **must** take action if they suspect, or are witness to, a student with concerning or harmful sexual behaviour, whether towards another student or not, or if a student discloses concerning or harmful sexual behaviour.

Responding to a student with orange light (concerning) and red light (problematic or harmful) sexual behaviours involves considering the School’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 these guidelines.

### Orange Light Sexual Behaviour

All Staff **\*\*must\*\*** report all incidents of or concerns about orange light behaviour both internally to a Child Safe Officer or the Principal and externally to Child Protection, Police or to Child First/The Orange Door, depending on the circumstances and as set out below. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](<https://lyss.policyconnect.com.au/module/262/page/bb2703d3-de1a-4811-8794-b87f6914c439.md>).

Depending on the age of the student who is engaged in the behaviour and any previous incidents, the School will consider and take appropriate responses, set out below.

### Red Light Sexual Behaviour

All Staff **\*\*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 **must** report all incidents of or concerns about red light behaviour by students aged under 10 internally directly to the Principal.

If the behaviour leads to a reasonable belief that the child exhibiting the behaviour has themselves been the subject of sexual abuse or is otherwise in need of protection for any reason, the staff member **must** report to Child Protection. For more information, refer to [Mandatory Reporting to Child Protection](#).

Staff **must** report all incidents of or concerns about red light behaviour by students aged 10 or over internally to the Principal or the School Management. They **must** also report externally to Child Protection, Police or to Child First/The Orange Door, depending on the circumstances and as set out below.

The School will:

- ensure 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/carers arrive
- support any student who is the victim of another student’s harmful sexual behaviour be supported in accordance with our [Support Following Child Safety Incident or Disclosure](#) policy
- work with Child Protection and Police to provide appropriate ongoing support to those involved.

Depending on the age of the student who is engaged in the behaviour and any previous incidents, the School will consider and take appropriate other responses, set out below.

## How to Report Orange Light or Red Light Sexual Behaviour Externally

Orange light and red light sexual behaviour by a child aged under 10 cannot be reported to Police. These **must** instead be reported to Child Protection if the behaviour leads to a reasonable belief that the child exhibiting the behaviour has themselves been the subject of sexual abuse or is otherwise in need of protection for any reason. For more information, refer to [Mandatory Reporting to Child Protection Policy and Procedures](#) and [Non-Mandatory Reporting to Child Protection Policy and Procedures](#).

Orange light and red light sexual behaviour by a child or young person aged 10 or over must be reported externally as follows:

Type of Sexual Behaviour	Who to Report to	Considerations/Other Actions
<p>Red light sexual behaviour that is targeted at or has as a victim another person.</p> <p>Orange light sexual behaviour that is targeted at or has as a victim another person and that rises to the level of a sexual offence.</p>	<b>Police</b>	<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 <a href="#">Responding to Incidents of or Concerns About Student Sexual Offending</a>.</p>
Red light sexual behaviour that is self-focused and/or is not directed at another	<b>Police</b>	This is not student sexual offending



<p>person but that involves illegal activity that is extreme in nature and poses a high risk to the student.</p>		<p>however must still be reported to Police.</p> <p>Refer to <a href="#">Responding to Other Concerns About the Wellbeing of a Student</a>.</p>
<p>Orange light or red light sexual behaviour that is targeted at or has as a victim another person.</p>	<p><b>Child Protection</b></p>	<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"> <li>• either the victim or the student exhibiting the behaviour is in need of protection; or</li> <li>• the student exhibiting the behaviour is in need of therapeutic treatment.</li> </ul> <p>Refer to <a href="#">Responding to Incidents of or Concerns About Student Sexual Offending, Mandatory Reporting to Child Protection and Non-Mandatory Reporting to Child Protection</a>.</p>
<p>Orange light or red light sexual behaviour that is self-focused and/or is not directed at another person.</p>	<p><b>Child Protection</b></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"> <li>• in need of protection; or</li> <li>• in need of therapeutic treatment.</li> </ul> <p>Refer to <a href="#">Mandatory Reporting to Child Protection and Non-Mandatory Reporting to Child Protection</a>.</p>
<p>Red light sexual behaviour, whether targeted at or has as a victim another person, or self- focused.</p>	<p><b>Child FIRST/Orange Door</b></p>	<p>A referral to Child FIRST/The 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"> <li>• the wellbeing of the student exhibiting the behaviour; and/or</li> <li>• the wellbeing of the victim,</li> </ul>

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).

Refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

## The School's Response to Orange Light and Red Light Sexual Behaviour

If red light sexual behaviour is by a student aged under 10, the Principal will:

- advise the parents/carers of the child (unless there are reasonable grounds to believe that this would not be in the best interests of the child), and will work with the parents/carers to ensure that the child is aware that their behaviour is not appropriate in a school environment (for more information, refer to [Communicating with Parents/Carers About Internal and External Reports](#) and [Support Following Child Safety Incident or Disclosure](#))
- in the event of very concerning sexual behaviour, seek advice from Child Protection on 131 278
- if the behaviour leads to a reasonable belief that the child exhibiting the behaviour has themselves been the subject of sexual abuse or is otherwise in need of protection for any reason, report to Child Protection if a report has not already been made. For more information refer to [Mandatory Reporting to Child Protection](#) and [Non-Mandatory Reporting to Child Protection](#).

The School's response to orange light and red light sexual behaviour by a student may include:

- reporting to the Police if the behaviour may be student sexual offending, pursuant to [Responding to Incidents of or Concerns About Student Sexual Offending](#)
- 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](#) and [Non-Mandatory Reporting to Child Protection](#).
- establishing prohibited areas/activities
- monitoring arrangements
- suspension/arrange for parents to pick the student up
- reinforcing to the student involved why the behaviour is unacceptable and the School's expectations of future behaviour
- where another student is affected by the behaviour, the School will assess and respond 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 School
  - 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)

if appropriate, developing a Student Support Plan and offering School-based support and/or referring the student to appropriate external support services. For more information, refer to [Support Following Child Safety Incident or Disclosure](#).

## Responding to Incidents of or Concerns About 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](#).

For more information, refer to [Recognising and Responding to Sexual Behaviour in Children Recognising and Responding](#).

## Source of Obligation

The Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria's [Four Critical Actions for Schools: Responding to Student Sexual Offending] ([http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_SSO.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_SSO.pdf)) must be applied in any circumstance where there is an incident, allegation, or you form a suspicion that, a student has committed a sexual offence against any person, including but not limited to a person associated with the School (such as a staff member or another student).

This includes suspected sexual offending that may have taken place outside of School grounds and hours.

All Staff, Volunteers, and Contractors must take action if they suspect, or are witness to, student sexual offending.

## Responding to 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

For more information about how to respond in the first instance, refer to [Managing Your Initial Response to a Child Safety Incident or Concern](#).

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](#):

- Responding to an Emergency
- Reporting to Authorities
- Contacting Parents/Carers

- Providing Ongoing Support

You 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 [Child Protection Record Keeping](#).

## Action 1: Responding to an Emergency

As soon as you become aware of student sexual offending against another person, 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 School
- taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive.

Student sexual offending against a staff member, Volunteer or Contractor may be a work health and safety incident. For these matters, in addition to the reporting requirements in this policy, you must follow our Occupational Health and Safety and Work Safe policies.

## Action 2: Reporting to Authorities and Internally

### Report to Victoria Police

After the immediate health and safety of students or others involved have been addressed, you must report the incident, allegation, disclosure or suspicion of student sexual offending to Victoria Police on 000. For more information, refer to [\[Reporting to Police\]\(https://lyss.policyconnect.com.au/module/262/page/1407fc57-a9f0-464e-bc28-bc0a3ca245d0.md\)](#).

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 Police may amount to a criminal offence under [Mandatory Reporting to Police](#).

### 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](#) and [Non-Mandatory Reporting to Child Protection](#).

When reporting to Child Protection, you must identify a contact person at the School for future liaison with Child Protection about the incident. This can be the Principal or the Senior Child Safety Officer for example. Additionally, you should seek advice from Child Protection about contacting parents/carers.

## Report to Child FIRST/The Orange Door

If the student exhibiting the behaviour or the victim of the behaviour is a child who is not in need of protection (for example, because their parent has protected or is likely to protect them 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 a referral to Child FIRST/The Orange Door, in addition to reporting to Police.

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

## 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]

([http://www.education.vic.gov.au/Documents/about/programs/health/protect/SSO\\_template\\_interactive\\_03112016.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/SSO_template_interactive_03112016.pdf)).

For more information, refer to [Child Protection Record

Keeping](<https://lyss.policyconnect.com.au/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## Report to the Principal and/or the School Management

Following any incident, allegation, disclosure or suspicion of student sexual offending you must report the matter to the Principal and/or to the School Management. When reporting to the Principal and/or the School Management, include:

- the details of the suspected student sexual offending, including the names of those involved
- any immediate actions taken to protect the safety of any 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 this 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 School'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 has been involved or notified regarding the same incident, you must report all new information.

Your reporting obligations are personal to you, and separate from the obligations of other Staff, Volunteers and Contractors, so even where you think that another person at the School 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 is important to remember that others may not have the specific detail that you have regarding the incident.

Where you and another staff member have formed a reasonable belief of student sexual offending involving the same student, 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, Volunteers, and Contractors 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 under [Mandatory Reporting to the Police](#) and to Child Protection under [Mandatory Reporting to Child Protection](#).

The offence of [Duty to Protect/Failure to Protect](#) a child from a substantial risk of becoming a victim of a sexual offence committed by an adult associated with the School does not apply to student sexual offending, unless you form a reasonable belief that an adult associated with the School may have also been involved in the commission of the offence.

## **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 to confirm what should be communicated.

Sometimes communication with parents/carers is not appropriate because:

- a disclosure to the parent/carer may subject a student who is alleged to have engaged in student sexual offending or a student who is the alleged victim of the offending to further abuse or other harm
- the student who is the alleged victim is an adult (aged 18 years or over) and has requested that their parent/carer not be notified
- the student who is the alleged victim 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 student 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 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 School has taken to date, including to whom the incident has been reported
- 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 School can provide
- assure them that the School'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 [Child Protection Record Keeping](#).

## 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 School community members.

In addition to reporting incidents of student sexual offending and communicating with parents/carers, the School must provide ongoing support to students, Staff, Volunteers. Contractors and other members of the School community affected by the incident.

Support for affected students (including alleged victims of the offending, or those alleged to have engaged in the offending) can include direct support from wellbeing professionals including the School Class Teacher/Guardian, referral to external wellbeing professionals, and/or [Support for Students Interviewed at the School](#), 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 student's background should not impact on a decision to report alleged or suspected student sexual offending, you should be sensitive to the student'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.

Support must also be provided to Staff and Volunteers impacted by student sexual offending. Staff and Volunteers can contact Independent Schools Victoria on (03) 9825 7200 for more information about wellbeing support. Student sexual offending against a staff member, Volunteer or Contractor may be a work health and safety incident. For these matters, follow our Occupational Health and Safety and Work Safe policies.

You must record the planned actions to be taken to support all students and others involved in or impacted by the student sexual offending in the [Student Sexual Offending Record Keeping Template](#). For more information, refer to [Child Protection Record Keeping](#).

## Responding to Other Concerns About the Wellbeing of a Student

All Staff, Volunteers and Contractors who have a concern about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm must take their concerns seriously and must act on these.

Every report is critical to protecting a student by building evidence and enabling Child Safe Officers and external authorities to gain a clear understanding of the risks posed to the student.

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, may be reported to:

- internally, a Child Safe Officer
- 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.

## Reporting to a Child Safe Officer

Examples of concerns that might not be the result of abuse or other harm but that might warrant a discussion with a Child Safe Officer include:

- bullying, whether the student is the victim or the bully
- cyber safety issues that do not rise to the level of significant concern for the wellbeing of a child
- family conflict or family breakdown that appears to be impacting on the student
- vulnerability due to isolation or significant social or economic disadvantage.

## Reporting Externally



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:

- 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)
- a student is vulnerable 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 School Management or a Child Safe Officer.

## Victoria Police

As set out in [Non-Mandatory Reporting to Police](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>), it is the School'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](#).

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 School'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.

## Record Keeping Obligations

For the School's record keeping obligations relating to child safety incidents or child wellbeing concerns, refer to [Child Protection Record Keeping](<https://lyss.policyconnect.com.au/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## **Making Additional Reports**

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

## **Reporting Further Grounds for Belief or Suspicion**

If you hold a reasonable belief that a child has been, or is at risk of being abused or harmed, you 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 or are currently involved with the child and/or their family; or
- another person, such as another staff member, Volunteer, Contractor or family member, has raised other concerns with the relevant authorities.

Every report is critical to protecting a student by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the student.

## **Another Person Has an Obligation to Make a Report**

There may be times when two or more staff members at the School (for example the Principal and a Child Safe 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 makes 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 authority.

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 anyway.

## **Support for Students Interviewed at the School**

The School has certain obligations when a request is made by the Police or Child Protection workers to interview students at school regarding child safety incidents or concerns. Students to be interviewed may include victims, witnesses or alleged perpetrators.

## **Support for Students**

All students interviewed by the Police or Child Protection at the School must be offered support.

Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, one of the following persons may provide support to the student during the interview, as appropriate:

- the Principal
- a Child Safe Officer
- in the case of Police interviews, an independent support person over the age of 18 who is not connected with the School, for example a social worker or a non-School nurse.

The School should consider 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 Safe 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 Safe Officer may be the perpetrator.

## General Protocols

The Principal must:

- facilitate interviews requested by the Police or Child Protection workers
- advise students of their right to have their parent/carer, or if not practicable or appropriate an independent support person, present at such an interview
- arrange for the student's parent/carer or their chosen independent support person to be present at such an interview
- 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 School has arrangements for appropriate people to be available to act as independent support persons for students interviewed at the School by the Police or Child Protection workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

## Contacting Parents/Carers

Before contacting a student's parents/carers, 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.

## Student as a Victim/Witness

When the Principal allows interviews involving students who may be victims or witnesses, they 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 who is suspected of criminal conduct, including conduct towards another child or student at the School, this should preferably be done in the presence of the student's parents/carers, or another independent support person.

## Information Sharing and Record Keeping

Standard 2 of the Victorian Child Safe Standards requires that child safety and wellbeing is embedded in Little Yarra Steiner School's leadership, governance and culture. One of the criteria set for this Standard, and one of the requirements of Ministerial Order 1359, is that the School's Staff and Volunteers understand their obligations in relation to information sharing and record keeping. Ministerial Order 1359 further requires the School to meet the requirements of the Public Record Office Victoria Record Keeping Standards when creating, maintaining and disposing of records relevant to child safety and wellbeing.

To meet these requirements, the School must have documented information sharing and record keeping policies. These policies must ensure that information and records are treated as confidential and that the sharing or distribution of information and records is restricted to nominated personnel. Information sharing must be conducted in accordance with relevant legislative and statutory requirement and the School's record keeping policies must detail the processes in place to meet the Public Record Office Victoria Record Keeping Standards.

This section of the Child Protection Program describes our policies and procedures for Information sharing and record keeping relevant to child safety and wellbeing.

## The Policies and Procedures in this Section

- [Confidentiality and Privacy](#)
- [Communicating with Parents and Carers About Internal and External Reports](#)
- [Sharing Information Relating to a Student's Safety or Wellbeing](#)
  - [Information Sharing Policy \(Child Protection\)](#)
  - [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#)
  - [Information Sharing under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#)
  - [Complying with Court Orders \(Information Sharing\)](#)
  - [Information Sharing Record Keeping](#)
- [Child Protection Record Keeping](#)

## Source of Obligation

- Victorian Child Safe Standards, Standard 2
  - Ministerial Order 1359, Clause 6

## Approvals and Reviews of the Policies and Procedures for Child Protection Information Sharing and Record Keeping

Where required by Ministerial Order 1359, relevant policies and procedures in this section of the Child Protection Program have been approved by the Board. Where not so required, they are approved by the appropriate person at the

School.

They are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement Policy](#) section of the Child Protection Program.

All reviews that result in a change to the policy or procedure are approved by the Board or other appropriate person at the School.

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 in the policy.

## **Confidentiality and Privacy**

The School makes everyone at the School, including students, 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. You must not provide undertakings that are inconsistent with your reporting obligations in the School's Child Protection Program. You must not promise a student that you will not tell anyone about the student's disclosure.

However, in all other respects, staff members must maintain confidentiality and privacy, 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](#).

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

The School should inform students and any other parties who become involved in the investigation of a child safety concern or incident (this may include other students) of the reporting process and require them to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

## **Protection of Reporters' Identities**

Reports or referrals made to Child Protection or Child FIRST/The Orange Door 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 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 discloses their own 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 and it does not constitute a breach of professional ethics on the part of the reporter, then the reporter cannot be held legally liable in respect of the report.

## Protection of Workers' WWC Check Status

The School will only be informed of whether an individual receives a WWC clearance or a WWC exclusion in relation to the WWC Check. None of the information gathered for the WWC Check, such as criminal or professional records, is provided to Little Yarra Steiner School.

## Protection of Personal Information

How Little Yarra Steiner School handles the information 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; and
- 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.

For more information, refer to our Privacy policy .

## 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 child abuse or other harm, 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 Board Chair. For more information, refer to [Information Sharing under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#) and/or [Information Sharing under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#).

## Communicating with Parents and Carers About Internal and External Reports

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 Policy \(Child Protection\)](#).

However, there are some circumstances where sharing information about the report may not be appropriate.

## Mandatory and Non-Mandatory Reports to Child Protection and Police

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.

If a report is made to Child Protection or Police, then **before contacting parents/carers** the Principal (or Senior Child Safety 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 report can be shared with parents/carers, the Principal (or Senior Child Safety Officer) must make sensitive and professional contact with the parents/carers as soon as possible after the incident, disclosure or suspicion occurred or arose.

## Reportable Conduct Reports



The parent/carer of a student who is an alleged victim of a reportable conduct allegation 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.

Under section 16ZB of the Child Wellbeing and Safety Act 2005 (Vic), the Principal, 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.

However, special issues may arise that require an adjustment to normal Information sharing practices. In particular, the range of matters to be considered in making a disclosure decision 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.

It is ultimately 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.

For more information, refer to [Information Sharing About Reportable Conduct](#).

## **Sharing Information Relating to a Student's Safety or Wellbeing**

Standard 2 of the Victorian Child Safe Standards requires that child safety and wellbeing is embedded in Little Yarra Steiner School'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 School's Staff and Volunteers understand their obligations in relation to Information sharing.

Little Yarra Steiner School 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 School's child safe culture and management.

Our Information sharing policies set out how we manage sharing information about students' wellbeing with external people and organisations, parents/carers and the wider School community. Internal Information sharing between Staff and with Volunteers and Contractors is managed through our internal School governance structure.

This section of the Child Protection Program includes:

- [Information Sharing Policy \(Child Protection\)](#)
- [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#)
- [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#)
- [Complying with Court Orders \(Information Sharing\)](#)
- [Information Sharing Record Keeping](#)

### **Information Sharing Policy (Child Protection)**

This Policy applies to all Staff (including the School Management), Volunteers, and Contractors (together, known as "Staff" or "staff members" for the purposes of this Policy only).

Little Yarra Steiner School and the School Management 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 Board Chair to oversee this Policy
- training of all Staff, Direct Contact Volunteers and Direct Contact Contractors about our Information sharing procedures
- ensuring that 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 sets out the overarching principles that apply when the School is considering sharing information about a student's safety, welfare or wellbeing (Information):

- with anyone, where there is informed consent
- with parents/carers
- with the wider School community
- under a statutory regime or court order
- under exceptions to privacy law, where the consent of the person whose information is being shared is not required.

This Policy must be read in conjunction with:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Mandatory Reporting to Child Protection](#)

- [Non-Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#)
- [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#)
- [Information Sharing Under Part 5A of the Child Wellbeing and Safety Act 2008 \(Vic\)](#)
- [Complying with Court Orders \(Information Sharing\)](#)

which detail procedures by which Information must be shared within the School and, in specific circumstances, with other external authorities and agencies.

## The Principles of Information Sharing

Our Information Sharing Policy is 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 or young person, and/or that of their parents/carers, is sought and obtained before sharing Information about a child or young person 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 or young person's right to privacy must also be managed while sharing Information

## Who Manages Information Sharing at the School?

Where Information is requested or proposed to be shared under this Policy only an authorised information sharer may respond. At the School, our authorised information sharers are listed below.

Where a request for Information exchange is made by or to a prescribed entity under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) or Part 5A of the Family Violence Protection Act 2008 (Vic), only the Principal or the Assistant Principal can make or respond to this request. For more information, refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#) and [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#).

## Authorised Information Sharers

The following people are “authorised information sharers” for the purposes of this Policy:

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## Our Board Chair

We have appointed an Board Chair who is responsible for:

- ensuring that all Staff, Direct Contact Volunteers and Direct Contact Contractors are educated about our Information Sharing Policy (Child Protection)
- authorising staff members to share Information and approving Information sharing under this Policy
- 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 Policy (Child Protection).

Information sharing manager is our designated Board Chair.

If an Information sharing request is received about the Board Chair, we have appointed another non employee Board member to act as an alternate Board Chair with respect to that Information sharing request or proposal.

## **Information Sharing and Volunteers at the School**

Volunteers make substantial contributions at School and are also responsible for maintaining the safety, welfare and wellbeing of children and young people in their care.

The observations of Volunteers in their roles working with children and young people 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 Board Chair and never undertaken alone.

## **Who Can Information Be Shared With?**

Information Sharing in [General](#)

The School 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.

The School can share Information, without consent, with anyone who has a legitimate purpose (defined below) for having the Information, but only if:

- there is a legitimate reason for sharing the Information without consent;
- all steps to Information sharing are satisfied; and
- approval has been gained from the Board Chair.

For more information, refer to Information Sharing Without Consent, below.

## **Information Sharing with Parents/Carers**

While it is important to involve parents/carers in any issues which affect the safety, welfare and wellbeing of their children and young people, Information provided through a confidential Information sharing agreement must not be

revealed to a parent/carer without the informed consent of the child or young person involved.

If a child or young person is unable to give informed consent due to insufficient capacity, it is the School's policy to share Information with the parents/carers.

Refer to [Communicating with Parents/Carers About Internal and External Reports](#) for guidance on when Information might not be shared with parents/carers.

## Information Sharing Under a Statutory Regime or Court Order

The School can share Information without the consent of a student or their parent/carer if we are required or otherwise permitted to give the Information through a statutory obligation or court order.

However, where practicable and reasonable, the School will seek the informed consent of the relevant student and/or their parents/carers before sharing Information under a statutory regime.

Where the Information is being shared under a statutory regime without consent, the staff member who is managing the Information sharing request (this will usually be the Principal) must follow the procedures for **Information Sharing Without Consent**, below.

For more information, refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#), [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#) and [Complying with Court Orders \(Information Sharing\)](#).

## Information Sharing with the Wider School Community

The School 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 School community. While the wider School community may have an interest in child safety incidents or concerns, particularly those that involve School 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.

Therefore, it is the School's policy that:

- only the Principal or an authorised representative of Little Yarra Steiner School can disclose Information about a child safety incident or concern to the wider School community
- when considering the appropriateness of sharing Information, they must follow the advice of any investigating agency (such as Police, Child Protection or the CCYP)
- they must not share Information that may identify the victim of the incident or concern with the wider School community without the consent of the victim and/or their parent/carer.

## How Information Sharing Relates to External Reporting

This Information Sharing Policy supports 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](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d->

880309e682fc.md) and for [Responding to Other Concerns About the Wellbeing of a Student](https://ce-viewer.com/module/262/page/7a088f36-6c48-415f-b5d3-9475e744bba0.md).

When Information is shared with external agencies under Mandatory Reporting to Child Protection, Reporting to Police and Reportable Conduct, the sharing of that Information should not be viewed as an alternative to Information sharing under this Policy, but rather this Policy provides 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.

For more information, refer to procedures for Responding to and Reporting Child Safety Incidents or Concerns and Communicating with Parents/Carers About Internal and External Reports.

## Whose Information Can be Shared?

Information about:

- a child, a young person or a student aged 18 or over
- a person associated with a student at the School (such as parents/carers)
- a person associated with the School (such as staff members)

can be shared under this Policy.

## When Information Can and Cannot be Shared

Information **\*\*can\*\*** be shared:

- if there is informed consent; or
- if there is no consent, if:
  - the person or organisation receiving the information has a legitimate purpose for having it (defined below);
  - there is a legitimate reason for sharing the Information without consent (defined below);
  - the steps to Information sharing have been followed; and
  - there is approval from the Board Chair.

Information **cannot** be shared, whether with or without consent, in any situation which 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 further information, refer to Confidentiality and Privacy.

## Information Sharing with Consent

Information can be shared with anyone and for any purpose, with the informed consent of the student or their parent/carer.

It is the School's policy to seek the informed consent of the child or young person and/or that of their parents/carers, before sharing Information about a child, young person or their parents/carers, unless:

- the student or their parent/carer does not have the capacity to give informed consent\*\*
- seeking consent would put the student, or another child or young person, at an increased risk of harm to their safety, welfare or wellbeing.

\*\*As a general principle, a child or young person under the age of 18 has capacity to give informed consent when they have sufficient understanding and maturity to understand what is being proposed.

Sufficient understanding and maturity in students is assessed on a case-by-case basis, wherever practicable and reasonable.

If it is not practicable or reasonable for the School to assess the capacity of a student under the age of 18 on a case-by-case basis, the School will presume that:

- a student aged 15 years or over has capacity to give informed consent, unless there is something to suggest otherwise
- a student aged under 15 years does not have capacity to give informed consent.

Where the student lacks or is presumed to lack the capacity to give informed consent, the School may seek the informed consent of a parent/carer to consent on the student's behalf.

## What is Consent?

In this Policy, 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 a 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 can also be implied, meaning Information sharing is inherent to the nature of the service sought.

## Protocols for Gaining Informed Consent

Informed consent in relation to Information sharing means that the student and/or their parent/carer understands the purpose of the Information sharing request and the likely outcomes of them giving consent.

To gain informed consent, use one or more of the following protocols:

1. Explain to the student 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 the consent – refer to Step 6 of the Steps to Information Sharing, [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#) and [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#) for more information.
3. Revisit a student'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 students, and parents/carers, from culturally and linguistically diverse backgrounds or with different cognitive capabilities and communication needs.
5. Ask the student, or their parent/carer, to explain the request in their own words and why they have given or withheld their consent.
6. Gain explicit written consent if possible .

## Information Sharing without Consent

The School may share Information 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 Board Chair 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:
  - protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm
  - protecting groups of children or young people from serious or imminent harm
  - protecting School community members from serious or imminent harm
  - protecting other organisations from situations of serious or imminent harm to children or young people
  - alerting a person or organisation to a child or young person's urgent need for a service (e.g. counselling)
  - diverting a child or young person from harming themselves.



For more information about the purposes for which Information may be shared under the Child Information Sharing Scheme refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#). For more information about the purposes for which Information may be shared under the Family Violence Information Sharing Scheme, refer to [Information Sharing Under Part 5A of the Family Violence Protection Act 2008 \(Vic\)](#). 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
- ♦ it would put the student at risk of harm to their safety, welfare or wellbeing by seeking that consent;

**and**

- the sharing of the Information will enable the provision of assistance to or the protection of a child, young person or their family, or a group of children or young people.

## Whose Information Can I Share Without Consent?

Provided that the above requirements are met, the School may share Information about the following people without their consent:

- children and young people aged under 18 years, as well as students aged 18 or over, who are considered to face an immediate or anticipated serious threat to their safety, welfare or wellbeing, as well as:
  - any siblings of a child or young person under threat
  - any family member of a child or young person under threat
  - any other person who is a close associate of a child or young person under threat
- teachers who are transferring to another school (irrespective of jurisdiction) who may pose a threat to the safety, welfare or wellbeing of children or young people
- 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 or young people
- 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 young people; or
  - may have particular educational or support needs for their safety, welfare and wellbeing.

## Procedure for Making Decisions About Information Sharing

Deciding whether to share Information can be difficult. If you are in an Information sharing situation and are still unsure of whether the Information can be shared, the School may seek professional legal advice to assist.

## 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 School, it is important to follow these steps to Information sharing and to use **\*\*STAR best practice\*\***, below when sharing Information.

## **I. Verify the Identity of the Person Receiving Information**

If a person makes an Information sharing request to the School or with whom it is proposed to share Information and is not known to the School, 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 School, this may represent an offence of fraud.

## **2. Determine the Reasons for Sharing 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 School may share Information with anyone who has a legitimate purpose for having the Information.

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 \(Information Sharing\)](#))
- the Information is being shared pursuant to a statutory regime (refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#) and [Information Sharing 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:
  - protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm
  - protecting groups of children or young people from serious or imminent harm
  - protecting School community members from serious or imminent harm
  - protecting other organisations from situations of serious or imminent harm to children and young people
  - alerting a person or organisation to a child or young person's urgent need for a service (e.g. counselling)
  - diverting a child or young person from harming themselves

## **3. Confidential Information**

Confidential Information cannot be shared by the School in any situation which 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 should follow the **\*\*Protocols for Gaining Consent\*\***.

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 School should not seek consent from the child or young person, or their parent/carer, if:

- the student, or their parent/carer, clearly does not have the capacity to give informed consent; or
- seeking informed consent from them would put the student, or another child or young person, at risk of harm to their safety, welfare or wellbeing by seeking that consent.

Examples of situations which may place a child or young person at risk if consent is sought could include when the child or young person may:

- be moved out of reach of the School
- 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 student 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 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 and the Board Chair approves the sharing of the Information.

Authorised information sharers at the School 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](<https://lyss.policyconnect.com.au/module/262/page/90dad21a-dbf4ffdb110-1b1ee509a03b.md>), [Non-Mandatory Reporting to Child Protection](<https://lyss.policyconnect.com.au/module/262/page/d2016243-07bf-4666-938d-880309e682fc.md>), [Reportable Conduct](<https://lyss.policyconnect.com.au/module/262/page/037b31f7-7392-47c9-8adf-175e3b9a2909.md>), [Reporting to Police](<https://lyss.policyconnect.com.au/module/262/page/1407fc57-a9f0-464e-bc28-bc0a3ca245d0.md>)[\_Reporting\_to\_Police](#\_Reporting\_to\_Police) as outlined in this Program.

## 8. Information Sharing Process

Staff should seek approval from the Board Chair before responding to an Information sharing request, or before providing Information on their own initiative.

The Board Chair must then document the Information sharing request or proposal and their approval before any Information is supplied.

For more information, refer to [Information Sharing Record Keeping](#).

## 9. Record Management Procedures

Information sharing requests, decisions and disclosures must be documented in the School's information sharing register.

The information sharing register, which is the responsibility of the Board Chair, 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 School Management meetings and key information is provided as necessary to the Board.

## STAR Best Practice When Sharing Information

Authorised information sharers must use STAR best practice when sharing Information:

### (S) SECURE

- Information must be shared and stored securely.

- Email should not be used for disclosing sensitive Information when sharing Information under this Policy.
- Instead, authorised information sharers should establish the identity of the child or young person 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 harm or risks to the safety, welfare or wellbeing of a child or young person.

- All Information sharing requests will be dealt with within 14 business days from receiving the request.
- However, when an organisation contacts the School 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 or young person.

- Authorised information sharers should clearly distinguish between facts and opinions in the Information being shared, and should clearly identify any limitations of the Information in writing to the other party.

## **(R) RELEVANT**

- Authorised information sharers 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.

## **Complaints About Information Sharing**

Complaints about the School's management of or conduct when Information sharing will be processed using [Child Protection Complaints Management](<https://lyss.policyconnect.com.au/module/262/page/3a0ac18c-9b63-4759-9b89-56398cebb2cc.md>).

### **Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic)**

## **Background**

The School may, or in some cases must, share information relating to the safety and wellbeing of children and young people with specific agencies or people.

Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) (CWA 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 prohibiting or restricting 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 or young person (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 School from using or disclosing Information if it is required or permitted to do so by or under any other Act or law.

The Child Information Sharing Ministerial Guidelines and this Policy set out how Staff must handle Child Information and how the School must apply the legislative principles of the CIS Scheme.

## Source of Obligation

The School, 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, 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 School 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 Child 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 Little Yarra Steiner School. In the usual circumstances, the School is required to give that person access to their own Child Information. However, under section 41ZF of the CWS Act, the School **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 Child Information with children and parents/carers, refer to [Communicating with Parents and Carers about Internal and External Reports](#), and our Privacy policy.

## Interaction of the CIS Scheme and the Family Violence Sharing Scheme

The CIS Scheme and the Family Violence Information Sharing Scheme (FVIS Scheme) were designed to 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 School 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 School 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 School 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 Family Violence Information Sharing 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 Family Violence Information Sharing Ministerial Guidelines).

For more information, refer to Sharing Information Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) and Chapter 11 of the [Family Violence Information Sharing Ministerial Guidelines](#).

## 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:

1. give precedence to the wellbeing and safety of a child or group of children over the right to privacy
2. seek to preserve and promote positive relationships between a child and the child's family members and people significant in the child's life
3. seek to maintain constructive and respectful engagement with children and their families

4. 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
5. promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both
6. 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
7. take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence
8. only share confidential Child 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
9. work collaboratively in a manner that respects the functions and expertise of each Information sharing entity.

## 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; or
- personal information; or
- sensitive information as defined in the Privacy and Data Protection Act 2014 (such as a criminal record); or
- unique identifiers; or
- identifiers as defined in the Health Records Act 2001.

For the purposes of this Policy, 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] (<https://www.vic.gov.au/child-information-sharing-scheme-ministerial-guidelines>), Child Information is "excluded information" if the collection, use or disclosure of the Child 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, 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 Information is part of a closed court proceeding.
- be contrary to the public interest. For example, Information that could reveal covert investigative techniques.

For the purposes of this Policy, 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.

## Complying With the CIS Scheme - The School's Policy

### Information Sharing Generally

The School will comply with all Part 6A requests for Child Information (other than Excluded Information) by other ISEs whenever the School has formed the required reasonable belief. For more information, refer to Grounds for Sharing Information between ISEs.

The School will voluntarily share Child Information (other than Excluded Information) with other ISEs under Part 6A of the CWS Act whenever the School 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 Information Sharing between ISEs.

The School will share Child Information (other than Excluded Information) with a child or their parent or carer whenever the School 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 under Source of Obligation.

The School will refuse to disclose Child Information to a person (including a staff member, Volunteer, Contractor, student or a student's parent/carers) whenever the School 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 policy.

Whenever Child Information is to be shared under this Policy, the School will follow the [Child Information Sharing Scheme Ministerial Guidelines](#), the Child Information Sharing Scheme Principles, the Principles of Information Sharing, and STAR best practice.

### Consent to Information Sharing Under the Child Information Sharing Scheme

The School 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 young person or their family.

However, it is the School's policy that:

- wherever appropriate, safe and reasonable to do so, the Principal will seek the informed consent to the proposed Information sharing from the child or young person and/or their parents/carers
- where it is not possible to obtain informed consent, the Principal will seek the child's and/or their parents/carers' views prior to the proposed Information sharing, provided that it is appropriate, safe and reasonable to do so
- at enrolment, the School informs parents/carers that Child Information about students may be, or is, provided to other organisations.

For more information, refer to [Information Sharing with Consent](#).

The Principal must 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.

## **Who is Authorised to Share Child Information Under the CIS Scheme?**

The Principal is the School's authorised representative for the purposes of sharing Child Information with, or requesting Information from, other ISEs on behalf of the School.

Where the Child Information relates to the Principal, the Assistant Principal is the School's authorised representative and is responsible for recording, investigating and managing requests for or proposals to share Child Information under this Policy. Therefore, any such requests or proposals should be directed to them.

References to the Principal in this Policy include the Assistant Principal when managing the sharing of Child Information that relates to the Principal.

## **Who is an ISE Under the CIS Scheme?**

The School 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:

- **maymake a request** for Child Information to another ISE;
- **mustdisclose** relevant Child Information (other than **Excluded Information**) to another ISE, if requested; and
- **maydisclose** Child Information (other than **Excluded Information**) voluntarily (without a request) to other ISEs.

ISEs may share Child Information if:

1. where the ISE is requesting or disclosing Child 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
2. the disclosing ISE reasonably believes that sharing the Child 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
3. the Child 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 I 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 I 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, the request must be made to the Principal, who will consider whether or not to make the request for Child 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 School 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 Child 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 School. 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](#).

## Procedure for Responding to a Child Information Request from an ISE

When a request for Child Information is received by the School 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 Assistant Principal 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](#).

If a determination is made that the Child Information must be shared, the 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](#).

## Procedure for Providing Child 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
- they reasonably believe that 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 School'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](#).

## Procedure for Responding to a Request from an Individual for Their Own 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 Board Chair. For more information, refer to our Privacy policy.

However, where a person requests access to personal information that is Child Information covered by this Policy, the request to access the Child Information must be referred to the Principal (or if the request is made by the Principal, to the Assistant Principal) 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 School'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](#).

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 School's policy that the Principal must refuse to disclose the Child Information to the person.

For more information, refer to our Privacy policy.

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](#).

## Record Keeping Requirements Under the CIS Scheme

Section 41ZC of the CWS Act requires that the School keeps records of Information sharing requests and disclosures. Section 7 of the Child Information Sharing Regulations prescribe the information that must be recorded.

For more information about how the School documents Information sharing requests and disclosures, refer to [Information Sharing Record Keeping](#).

The School must take reasonable steps to protect these records against loss, misuse and unauthorised access, modification or disclosure. The School must also ensure that Child Information is managed securely to avoid the risk of intentional or unintentional privacy breaches. For more information, refer to [Confidentiality and Privacy](#).

Further guidance about Information sharing record keeping is in Chapter 5 of [Child Information Sharing Scheme Ministerial Guidelines](#).

## Complaints Under the CIS 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.

Complaints from an ISE about the School's performance of its Information sharing functions under the CWS Act are managed pursuant to our Complaints handling policy. If such a complaint is made to the School, the School 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 School was unable to resolve the complaint, what (if any) further action was taken by the School.

For more information about how the School manages and records complaints (including complaints about its Information sharing functions under the CWS Act), refer to our Complaints handling policy.

## 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 Part 6A of the CWS Act, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such Child 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 Child Information in accordance with their obligations, functions and authorisations
- intended for the Child 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 Child Information

If any Child Information is provided to the School under Part 6A of the CWS Act, the School 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 young person (or class of children or young persons) 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

3. 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.

## Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic)

### Background

The School 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.

The FVIS Scheme and the Child Information Sharing Scheme (CIS Scheme) complement each other. Under both Schemes, certain organisations and services are prescribed as “**information sharing entities**” (ISEs), which are similar for both Schemes. Non-government schools are an ISE under both Schemes.

Under the FVIS Scheme, despite laws prohibiting or restricting the disclosure of personal information, under the FVIS Scheme ISEs **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; or
- when requested to do so by another ISE, for family violence protection purposes,

under Part 5A of the FVP Act.

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.

It also does not prevent or limit the School from using or disclosing FV Information if it is required or permitted to do so by or under any other Act or law.

The Family Violence Information Sharing Ministerial Guidelines (FV Ministerial Guidelines) and this Policy set out how Staff must handle FV Information and how the School must apply the legislative principles of the FVIS Scheme.



In the School 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 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 School 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.

## Source of Obligation

The School, 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 for FV Information about a victim survivor, a **perpetrator**, an **alleged perpetrator** or a **linked person** to the School for a **family violence assessment purpose**.

Under section 144KC of the FVP Act, the School 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 of the FVP Act, an ISE may make a request for FV Information about a victim survivor, a **perpetrator** or a **linked person** to the School, or the School may make such a request to another ISE, for a family violence protection purpose.

Under section 144LC of the FVP Act, the School, or the other ISE to whom the request was made by the School, **must** disclose the requested FV Information if:

- the School/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 in this Policy.

## Voluntary Information Sharing with ISEs

Under sections 144KA and 144LA of the FVP Act, the School **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 School 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 and our Privacy policy.

## 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 Little Yarra Steiner School. In the usual circumstances, the School is required to give that person access to their own FV Information.

However, under section 144QA of the FVP Act, the School **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 School also must take steps to ensure that it does not inadvertently disclose FV Information to a perpetrator/alleged perpetrator. See page 44 of the [FV Ministerial Guidelines](#).

This obligation means that the School must verify the identity of a person who is requesting FV Information from the School on behalf of an ISE. The School 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 our Conflicts of Interest Policy.

## Interaction of the FVIS Scheme and the Child Information Sharing Scheme

The FVIS Scheme and the CIS Scheme were designed to 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 School 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 School 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 School 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 FV 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 FV Ministerial Guidelines).

For more information, refer to [Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 \(Vic\)](#) and Chapter 11 of the [FV Ministerial Guidelines](#).

## FVIS 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:

1. work collaboratively to coordinate services in a manner that respects the functions and expertise of each ISE
2. give precedence to the right to be safe from family violence over the right to privacy
3. 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
4. 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
5. 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:

1. promote the agency of the child and other family members at risk of family violence by ensuring their wishes are taken into account (having regard to the appropriateness of doing so and the child's age and maturity)
2. 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.

## 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, we refer to 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 as “FV Information”.

### Excluded Information

Under section 144C of the FVP Act, and as described in the [FV Ministerial Guidelines](<https://www.vic.gov.au/family-violence-information-sharing-scheme>), 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, to the victim survivor's 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, 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 may 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 may 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 may 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 may 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 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 may **\*\*only\*\*** share an **\*\*alleged perpetrator's\*\*** FV Information with an RAE and **\*\*only\*\*** for a family violence assessment purpose. ISEs may 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 may 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 that there is no family violence
- where an ISE suspects that a client (or, in the case of the School, 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”.

## Complying with the FVIS Scheme – the School’s Policy

The School 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\*\***.

The School 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 School 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**.
- a relevant consent is required and has not been given. For more information, refer to **Consent Thresholds for Information Sharing Under the FVIS Scheme**.

The School 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 School’s 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**.

The School 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 School’s considers that doing so is necessary to manage a risk of the victim survivor being subjected to family violence.

The School will refuse to disclose FV Information to a person (including a staff member, Volunteer, Contractor, student or a student’s parent/carer) whenever the School 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 our Privacy policy.

Whenever Information is to be shared under this Policy, the School will follow the [FV Ministerial Guidelines](#), and the FVIS Scheme Principles.

## **Who is Authorised to Share Information Under the FVIS Scheme?**

The Principal is the School's authorised representative/s for the purposes of sharing FV Information with, or requesting FV Information from, other ISEs on behalf of the School.

Where the FV Information relates to the Principal, the Assistant Principal is the School's authorised representative and is responsible for recording, investigating and managing requests for, or proposals to share, FV Information under this Policy. Therefore, any such requests or proposals should be directed to them.

References to the Principal in this Policy therefore include the Assistant Principal when managing the sharing of FV Information in relation to the Principal.

## **Who is an ISE and Who is an RAE under the FVIS Scheme?**

The School 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 are 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 may be shared under the FVIS Scheme.

The [MARAM Framework](#) and 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 School 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 School 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 School 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 School 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 School to voluntarily share FV Information with an ISE (without a request), the following additional requirements must be met:

- the School 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 School 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 School 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 [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 School may 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 FV Ministerial Guidelines.

The School may 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 School'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 may be shared without their consent.

However, it is the School'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 School 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 School'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.

## 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 School may 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](#).

The School may 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 Must Not 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 Information to an ISE

Where a staff member wishes to request FV Information from another ISE under section 144LB of the FVP Act, the request must be made 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 School 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 School. The written request must contain sufficient information to enable the ISE to consider whether sharing the FV Information with the School is necessary for a family violence protection purpose.

The request for FV Information must be recorded. For more information, refer to **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme**.

## Procedure for Responding to an Information Request from an RAE/ISE

When a request for FV Information is received by the School from another ISE, the request must be forwarded to the Principal (or to the Assistant Principal 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 Chapter 2 of the FV Ministerial Guidelines)

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.

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.

## Procedure for Providing 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 FV Information for a family violence assessment purpose, that it is also an RAE) and:
2. if it is not, consider whether the FV Information should be shared under other applicable laws (for more information, refer to Chapter 2 of the FV Ministerial Guidelines 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 School'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 **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme**.

## **Procedure for Providing 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 School'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 **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme**.

## **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 Principal. For more information, refer to our Privacy policy.

However, where a person requests access to personal information that is FV Information covered by this Policy, the request to access the FV Information must be referred to the Principal (or if the request is made by the Principal, to the Assistant Principal 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 School's policy that the Principal must refuse to disclose the FV Information to the person. For more information, refer to our Privacy policy.

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 **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme**.

## **Record Keeping Requirements Under the FVIS Scheme**

Section 144PB of the FVP Act requires that the School keeps records of requests for and disclosures of FV Information under the FVIS Scheme. Part 3 of the FV Information Sharing Regulations prescribe the specific information that must

be recorded.

The School must take reasonable steps to protect these records against loss, misuse and unauthorised access, modification or disclosure. The School 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](#).

Further guidance about Information sharing record keeping is in Chapter 10 of [FV Ministerial Guidelines](#) and **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme**.

## 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.

Complaints from an ISE about the School's performance of its Information sharing functions under the FVP Act are managed pursuant to our Complaints handling policy.

If such a complaint is made to the School, the School 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 School was unable to resolve the complaint, what (if any) further action was taken by the School.

For more information about how the School manages and records complaints (including complaints about its Information sharing functions under the FVP Act), refer to our Complaints handling policy.

## 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 School under Part 5A of the FVP Act, the School 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
- use or disclosure made as required or authorised by the FVP Act or any another Act.

## Complying with Court Orders (Information Sharing)

## Subpoena and Witness Summons

A subpoena or witness summons is a court order that compels the School 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 School, the Principal or a staff member has information or documents that are relevant to the proceeding.

In general, subpoenas and witness summonses must be complied with. The consent of the person to whom the information or documents pertain is not required and need not be sought.

However, subpoenas and witness summonses can be challenged in certain circumstances. The School will seek external legal advice and support for any staff member relating to complying with a subpoena or witness summons.

## Court Ordered Restrictions on Information Sharing

Courts may, in a variety of types of proceedings, restrict the sharing of information about children and young people. These 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.

If there is a court-ordered restriction on Information sharing about a student at the School, the student’s parent/carer or other guardian (such as Child Protection) must provide a copy of the Court Order to the School. The School will keep this document with the student’s records.

Where such a Court Order has been provided, staff members must not share the relevant information with the people set out in the order.

### **Information Sharing Record Keeping**

To meet information sharing best practice and to comply with various information sharing obligations in the Victorian Child Safe Standards and other legislation, the School must record any Information sharing that occurs in relation to the wellbeing and safety of students.

The School must, by law, keep records of all requests for information as well as of all Information shared by the School under the Child Information Sharing Scheme (CIS Scheme) and the Family Violence Information Sharing Scheme (FVIS Scheme).

The School keeps all records relating to the sharing of information about a student’s safety and wellbeing (Information) in an information sharing register and stores these securely, separate from the student’s records.

### **How to Record Information Sharing**

The Board Chair (or the Alternate Board Chair if the Information relates to the Board Chair), must record all Information sharing requests, decisions and disclosures in the School’s information sharing register.

### **Record Keeping About Information Sharing Under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme – What Must be Recorded?**

Section 41ZC of the Child Wellbeing and Safety Act 2005 (Vic) CWS Act requires that the School keeps records of information sharing requests to, and disclosures made by, the School pursuant to the CIS Scheme and Part 3 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 School to keep records of Information sharing requests to and disclosures made by the School pursuant to the FVIS Scheme. Part 3 of the Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic) prescribes the specific information that must be recorded for this Scheme.

The record keeping requirements under both Schemes are similar.

## Disclosure of Information to an ISE

The School must record the following information about disclosures of Information to information sharing entities (ISEs) under 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 School sought and obtained the views of the child in relation to whose wellbeing or safety the disclosure is made, or the views of that child's parent and, if not, the reason why
  - whether the child in relation to whose wellbeing or safety the disclosure is made 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 School declines a request from an ISE for Information about any person, the School 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 School 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 Child Information or the FVIS Scheme policy's Procedure for Responding to a Request from an Individual for Their Own FV Information), the School must record the:

- details of the request
- reason why the request was declined.

## Requests by the School to Another ISE

When the School makes a request for Information to another ISE, the School 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 – What Must be Recorded?

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 School 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 voluntarily (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 School should record:

- the name of the entity/individual who received the information
- the reason 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 or young person and/or their relevant family members were sought and consent obtained
- the written approval of the Board Chair 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 School 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.

## The information sharing register

We capture key data relating to individual Information sharing requests to track in our information sharing register. Maintenance of the Register is the responsibility of the Board Chair.

The Register is reviewed in School Management meetings and key information is provided as necessary to the Board.

For more information, refer to [Child Protection Record Keeping](#).

## Child Protection Record Keeping

Standard 2 of the Victorian Child Safe Standards, as well as multiple Victorian child safe organisation and child protection laws and regulations, all require the School to keep (and for Staff and Volunteers to understand their obligations regarding) a variety of records related to child safety and wellbeing.

To implement this Standard, Ministerial Order 1359 requires the Board to create, maintain and dispose of records relevant to child safety and wellbeing in accordance with the Public Record Office Victoria Record Keeping Standards and to develop a policy or statement that details the processes that the School has in place to meet these Standards.

Records relevant to child safety and wellbeing include not just records of child safety incidents or concerns and the School'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 School's child safety and wellbeing policies and practices.

Ministerial Order 1359 also requires the Board to ensure that Staff and relevant Volunteers understand their record keeping obligations. In particular, it must ensure that **school 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, those 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.

Effective record keeping about child safety and wellbeing at the School is one of the key strategies that the School implements to manage its child safe organisation and child safety and wellbeing obligations, including child protection issues and the fulfillment of our duty of care.

It is through such record keeping that the School can ensure that, if there is ever a need for evidence of the School's child safe culture, including precautions and preventative measures taken in response to the risk of child abuse or other harm, or of the School's response to particular child safety incidents or concerns, the School has well-documented and easily-accessible records.

This Policy sets out Little Yarra Steiner School's expectations, systems and procedures for creating and managing records relevant to the Child Protection Program. It sets out the School'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.

## Child Protection Record Keeping in General

Little Yarra Steiner School is committed to ensuring that all records, including records related to child protection, are managed in an efficient, systematic and transparent way.

When creating, maintaining and disposing of records relating to child protection, the School complies with relevant Public Record Office Victoria Recordkeeping Standards, including minimum retention periods, as set out in the following subsections.

The School provides all Staff with information about Little Yarra Steiner School's record management system. All Staff are responsible for ensuring that full and accurate records of School functions and activities are created and captured in Little Yarra Steiner School's record management system.

It is the School's policy that its records, including records related to child protection, are:

- kept up to date
- indexed in a logical manner that facilitates easy location, retrieval and association of related information
- preserved in a suitable physical or digital environment that ensures that records are not subject to degradation, loss, alteration or corruption for the period of time they must be retained.

## **How We Keep Records Related to Child Protection**

Little Yarra Steiner School has a framework in place for the management of records, including records related to child protection. This includes:

## **Where We Keep Records Related to Child Protection**

### **Records of Child Safety Incidents or Concerns**

The Principal is responsible for keeping all records relating to child safety incidents or concerns, including records of allegations, investigations and findings made under this Program, up to date and secure.

Records are stored by the school. Records about child safety incidents or concerns must be stored securely and maintained indefinitely.

Where the child safety incident or concern relates to an allegation against a staff member, Volunteer or Contractor (including about breaches of the Child Protection Codes of Conduct), records may also be maintained as part of Reportable Conduct records and our Human Resources Management records.

## **Documenting the Child Safety Incident or Concern and the School'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 Protection Program.

Therefore, all observations of and verbal and written communications about child safety incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented, regardless of whether or not the child safety incident or concern meets the relevant thresholds for external reporting. The records should include dates and times and enough detail to record key observations or conversations, especially those relating to the student's disclosure.

In addition, 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 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 Child Protection has been or will be made
- has significant concerns for the wellbeing of a student, such that a Non-Mandatory Report to 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 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 record written and dated notes of their observations and concerns to assist in reporting the concerns to Child Protection or Police.

For information about when and how to make these external reports, refer to our procedures for [Responding to and Reporting to Child Safety Incidents and Concerns](#).

## How to Document the Child Safety Incident or Concern

The School requires all Staff, Volunteers and Contractors to use the [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools]

([https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf)) 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. This form must be used regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, Volunteer, Contractor or any other person

The [Student Sexual Offending Record Keeping Template](#) must be used to record all observations, beliefs, suspicions, disclosures or allegations of student sexual offending.

For Volunteers and Contractors, a Child Safe Officer can complete these Forms on their behalf.

These Templates are provided by the DET and Child Protection for all Victorian schools, and are made available on the School's public website, PolicyConnect site, and in hard copy at the School. Copies of the Templates are also available in the [Additional Resources](#) section of this Program.

Not all the sections of the Templates 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 form may not apply to each situation.

It is important to note that it is not your role to quiz the child or person making the disclosure or allegation to complete the Template. You should only record what information is observed or offered during the incident, disclosure or allegation and then be sure to report the matter to a Child Safe Officer or the Principal and any relevant external agencies in line with your legal obligations.

The 'Process of Review' section in the Templates must be completed between four to six weeks after an incident, suspicion or disclosure of abuse, in conjunction with the Principal, a Child Safe Officer or, if the incident or concern

involves the Principal, the Assistant Principal.

All completed Forms are to be given to the Principal (or where the allegation concerns the Principal the Assistant Principal), or a Child Safe Officer.

Any other notes and records obtained or made by Staff, Volunteers and Contractors regarding child safety incidents or concerns should also be given to the Principal or a Child Safe 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.
- The School maintains records of these forms indefinitely. Records relating to child safety incidents or concerns are only disposed of in accordance with PROS 19/08 Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations (excluding the transfer to PROV obligation).

## Working with Children Check Documentation

It is the responsibility of the Receptionist to verify the WWC clearance status of all School Staff and relevant Volunteers/Contractors.

The School maintains records (electronic or hard copy format) of certain WWCC information for all Staff and relevant Volunteers and Contractors who are individuals.

Where Little Yarra Steiner School engages, as a Contractor, a company or other contracted service provider with multiple employees, the School may require, in its contract with the Contractor, the Contractor to keep all required WWCC documentation for each person engaged by the Contractor to provide the contracted service to the School.

The following information for all staff members and relevant Contractors who are required to hold a WWC clearance\* is recorded electronically in a consolidated register, which is updated regularly:

- first name
- family name
- date of birth
- WWC Check Application Receipt Number
- WWC Check Card Number
- date and outcome of WWC clearance verification
- WWC clearance expiry date
- notices sent by Working with Children Check Victoria
- notices provided by the worker.

Little Yarra Steiner School also maintains records (electronic or hard copy format) of relevant Volunteers who are required to hold a WWC clearance 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 Working with Children Check Victoria.

\*For information about which Volunteers and Contractors at the School are required to have a valid WWC clearance , refer to [Working with Children Checks](#).

As child protection records, the School maintains the WWCC registers and other WWC documentation indefinitely.

## Records of Teacher Registration and VIT Notifications

Little Yarra Steiner School maintains a register of the registration status of all teachers at the School. 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 School about a registered teacher.

It is the responsibility of the Principal to ensure that the register of teachers is maintained up to date with relevant notifications.

For more information about notifications to the VIT, refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#).

## Reportable Conduct Records

When a reportable allegation is made, the School must document certain information throughout the Reportable Conduct process:

- the allegation
- the School'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 conducted by the Principal
- 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 decision made, both during and at the conclusion of the investigation, including the person making the decision's 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
- the final report for the 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.

All records created in accordance with the Reportable Conduct Scheme, including all allegations, outcomes of internal investigations and decisions to make or not make a report to the CCYP are maintained by the Principal and located securely on the school server.

The School keeps these records in a file that is separate to the employee's personnel file and retains them indefinitely.

For more information about the Reportable Conduct Scheme, refer to our [Reportable Conduct](#) policies and procedures.

## Record Keeping About Information Sharing

The School must record the following information when sharing, or responding to a request to share, information about the safety, welfare and wellbeing of a student (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 Board Chair to share the Information
- the date that the Information was shared.

Whenever a request for Information is made to the School or the School otherwise shares Information, the person managing the Information sharing request or disclosure must record the above information in our information sharing register.

All records created in accordance with [Sharing Information Relating to a Student's Safety or Wellbeing](#) are maintained by the Principal and located securely on the school server.

The School maintains these records indefinitely. Records relating to information sharing about child safety incidents or concerns are only disposed of in accordance with [PROS 19/08 Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations](#) (excluding the transfer to PROV obligation).

For more information, refer to [Information Sharing Record Keeping](#).

## Other Child Protection Human Resources Management Records

It is the responsibility of the Principal to record and maintain (electronically or hard copy format) all records relating to child safe human resources management, including records in relation to:

- recruitment
- screening and suitability assessment
- supervision, performance monitoring and development
- personnel files.

Through the School's staff learning system CompliLearn, the School also creates and maintains electronic records of all child protection training completed by Staff and relevant Volunteers and Contractors.

The School maintains these records indefinitely.

For more information, refer to Child Protection Human Resources Management.

## Recording Other Child Protection Actions

Section 91 of the Wrongs Act 1958 (Vic) (Wrongs Act) imposes a duty of care on the School, as a child-related organisation, 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 a victim of physical or sexual abuse alleged to have occurred at the School or to have involved School Staff, Volunteers or Contractors brings a negligence claim against the School, a court will presume that the School breached its duty of care unless the School can prove that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by the court in accordance with considerations set out in the Wrongs Act and case law.

It is critical that the School maintains 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)
- biennial reviews of and improvements to our child protection policies, procedures, work systems and strategies

as these could be required as evidence in relation to possible future negligence claims against the School for damages in respect of child physical or sexual abuse.

The following records may assist in demonstrating reasonable precautions taken by the School to prevent the physical or sexual abuse of its students:

1. records that document actions taken by the School in response to specific child safety incidents and concerns (refer to **Documenting the Child Safety Incident or Concern and the School's Response** and **Reportable Conduct Records**, above)
2. records that document the implementation of the School's **Child Safety Risk Management** strategies
3. records that document reviews and improvements of our child protection policies, procedures, work practices and systems (refer to [Regular Reviews and Continuous Improvement](#))

4. records that document the child protection training provided to and completed by Staff and relevant Volunteers and Contractors (refer to **Child Protection Training**)

The School maintains the records in paragraphs 1,2 and 3 indefinitely, and the records in paragraph 4 for at least 45 years.

## **Creating and Maintaining a Child Safe Environment and Culture**

Several of the Standards in the Victorian Child Safe Standards contain specific requirements that relate to the School's child safe culture.

Standard 2 of the Victorian Child Safe Standards requires that child safety and wellbeing are embedded in Little Yarra Steiner School's leadership, governance and culture.

In addition, Standard 9 of the Victorian Child Safe Standards requires the Board and Little Yarra Steiner School to develop and implement risk management strategies regarding child safety and wellbeing in all School environments.

Finally, Standards 6 and 8 of the Victorian Child Safe Standards set out specific requirements that must be met to ensure that the School's human resources management systems promote child safety and wellbeing.

To meet these aspects of the Victorian Child Safe Standards, Ministerial Order 1359 sets out a number of specific requirements that the Board must meet to embed child safety and wellbeing in the School's leadership, governance and culture.

The development and implementation of our Child Protection Program as a whole is one of the main strategies employed by the Board and by Little Yarra Steiner School to create and maintain a child safe environment and culture at the School and to minimise risks to the safety and welfare of students.

This section of the child protection Program sets out several other key strategies, policies and procedures that are specifically aimed at creating, maintaining and embedding a culture of child safety and wellbeing at the School, ensuring that the School is a child safe environment and identifying and minimising risks regarding child safety and wellbeing.

## **The Policies and Procedures in this Section**

- [Strategies to Embed a Culture of Child Safety at the School](#)
- [Child Safety Risk Management](#)
- [Child Protection Responsibilities](#)
- [Child Protection Human Resources Management](#)
- [Participation and Empowerment of Students](#)
- [Family and Community Involvement, Cultural Safety and Equity/Diversity](#)

## **Source of Obligation**

- Victorian Child Safe Standards, Standards 2, 6, 8 and 9
- Ministerial Order 1359, Clauses 6, 10, 12 and 13

## Approvals and Reviews of the Policies and Procedures for Creating and Maintaining a Child Safe Environment and Culture

As required by Ministerial Order 1359, all of the strategies, policies and procedures in this section of the Child Protection Program have been approved by the Board.

They are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement](#) section of the Child Protection Program.

All changes to these policies and procedures that result from a review are approved by the Board.

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 in the policy.

### Strategies to Embed a Culture of Child Safety at the School

## Source of Obligation

Standard 2 of the Victorian Child Safe Standards and Clause 7 of Ministerial Order 1359 require the Board to ensure that child safety and wellbeing are embedded in Little Yarra Steiner School's leadership, governance and culture.

## Our Child Protection Strategies

The following work systems, practices, policies and procedures are Little Yarra Steiner School's strategies for creating and embedding a child safety and wellbeing culture at the School:

- implementing, at the School level, Little Yarra Steiner School child protection strategies
- a holistic approach to child safety through this Child Protection Program
- appointing one or more [Child Safe Officers](#) and at least one Senior Child Safety Officer
- establishing key child protection standards in our Child Safe Policy
- establishing clear expectations for appropriate behaviour with students through our [Child Protection Codes of Conduct](#), and clear expectations for appropriate behaviour by students in the [Student Child Protection Code of Conduct](#)
- educating our School Management, Staff and Direct Contact Volunteers through our [Child Protection 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](#), [students with disability](#) and [LGBTIQ+ students](#) are particularly vulnerable and have the right to special care and support

- clearly defining the Child Protection Responsibilities of personnel involved in protecting students and allocating roles and responsibilities for implementing our child safe strategies
- establishing comprehensive Child Protection Record Keeping procedures to ensure that the School can evidence reasonable precautions taken to prevent abuse and other harm at the School in accordance with our Child Safety Risk Management strategies
- implementing Child Protection Human Resources Management to ensure that our human resources practices and procedures promote child safety
- Regular Reviews and Continuous Improvement of the Child Protection Program and our child protection practices

## Implementing Our Child Protection Strategies

Roles and responsibilities relevant to implementing the Strategies to Embed a Culture of Child Safety are set out in [Child Protection Responsibilities](<https://lyss.policyconnect.com.au/module/262/page/30ab3d3c-1c04-4d83-870d-49723e2107ac.md>).

## Communicating Our Child Protection Strategies

the Board requires the School to inform the School community about these strategies. The School does this in the following ways:

- The following documents are available on the School's public website to ensure they are readily accessible by all members of the community:
  - Child Safe Policy
  - Child Protection Codes of Conduct
  - the Little Yarra Steiner School
  - public-facing Procedures for Responding to and Reporting Child Safety Incidents or Concerns
  - public-facing child safe program.
- Hard copies of these documents are also available at the School's administration office.
- Hard copies of the School's other Child Protection policies and procedures, including those that set out the above strategies, are available on request.
- Little Yarra Steiner School's Child Protection Program and our strategies for embedding a culture of child safety are also communicated in the following ways:
  - the School's induction training for staff members and relevant Volunteers and Contractors
  - regular information sessions for staff members about specific child safety issues at the School
  - the provision of refresher child protection training sessions at least annually for staff members, and relevant Volunteers and Contractors, including during professional development days
  - the provision of child protection information, including reporting procedures, to parents, carers and the School community through newsletters, emails, class meetings etc
  - inclusion of child protection information, including the Child Protection Codes of Conduct, reporting procedures and students' right to participate in the Educating Students About Child Safety curriculum
  - the provision of child-friendly versions of all policies as required to students through newsletters and the School's intranet.

## Child Safety Risk Management

Standards 2 and 9 of the Victorian Child Safe Standards require the Board to develop and implement risk management strategies regarding child safety in the School's environments. Clauses 6 and 13 of Ministerial Order 1359 set out particular requirements that must be met when doing so.

Little Yarra Steiner School has a broad range of risks associated with its activities and operations, including risks relating to child safety. Effectively managing child safety risks is a vital element in ensuring that our School is keeping children and young people safe.

While child safety risks within the operations of a school can never be completely eliminated, Little Yarra Steiner School actively implements risk management practices to ensure that child safety risks are reduced.

The Child Safety Risk Management policy outlines our approach to managing these risks.

## Key Definitions

In addition to definitions set out in [Child Protection Program Definitions](<https://ce-viewer.com/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>), the following definitions are of particular importance to this Policy:

### 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 minimise, monitor, and control the probability and/or the impact of these unfortunate events.

## Responsibilities for Child Safety Risk Management

Identifying and managing child safety risks is everyone's responsibility. All adults in the School 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 Protection Responsibilities](#), the following people have particular responsibilities under this section of the Child Protection Program.

### the Board

the Board is responsible for:

- understanding the child safety risks relevant to the School, based on the School's operational profile
- developing, and ensuring the effective implementation of, the School's child safety risk management strategies (noting that the Board has assigned responsibility for implementing the strategies to the Principal)
- reviewing and approving any changes to the School's child safety risk management strategies
- promoting a child safety risk management culture within the School

- establishing clear lines of responsibility and delegation with regard to child safety management
- ensuring that the School communicates its commitment to child safety and to child protection legal and regulatory compliance, and ensuring that operations are consistent with the commitment to child safety
- ensuring that the School identifies and takes steps to mitigate child safety risks, including by:
  - ensuring that the School has a child safety risk register in which child safety risks and risk controls are recorded
  - receiving regular reports regarding child safety risk management at the School and the School's Child Safety Risk Register
  - monitoring and evaluating the effectiveness the School's child safety risk controls
  - reviewing risk ratings for child safety risks, risk movement, new and emerging child safety risks and the proposed controls for these risks
  - receiving regular reports regarding child safety and wellbeing legal and regulatory compliance at the School
- ensuring that appropriate guidance, training and information is provided, at least annually, to:
  - the individual members of the Board about:
    - their individual and collective obligations and responsibilities for managing the risk of child abuse at the School
    - child safety and wellbeing risks in the School's environments
    - the School's child safety policies, procedures and practices
  - school staff about a number of matters, including guidance on how to identify and mitigate child safety and wellbeing risks in the School's environments (noting that the Board has assigned responsibility to the Principal for ensuring that school staff, including 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 School's child safety risk management strategies, and effectively deploying all available resources for that purpose
- communicating openly and honestly with, and providing advice to, the Board in relation to:
  - child safety risk management at the School
  - any instances of non-compliance with child protection 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 School and the steps taken (or that should be taken) to mitigate these risks
  - the resources required for the 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 School
- ensuring that the School's child safety risk register is maintained, regularly reviewed, reported to the Board and updated as set out in the **Child Safety Risk Management Procedures** below
- monitoring and evaluating the effectiveness of the School's child safety risk controls
- ensuring that the 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 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 School's environments.

## The School Management

The School Management is responsible for:

- reviewing, in consultation with the Principal, the School's child safety risk management strategies, the Child Safety Risk Register and the Child Protection Program in accordance with the policies and procedures set out below
- identifying and reporting to the Principal any instances of non-compliance with child protection legal and regulatory requirements and any breakdowns in child safety risk controls
- ensuring that appropriate resources are made available in their area of operations to allow the School's child safety risk management strategies to be effectively implemented within the School
- supporting the Principal in the practical application of the School's child safety risk management strategies, policies, procedures and work systems
- promoting a child safety risk management culture within the School.

## Development of Child Safety Risk Management Strategies

The School has developed and implements the child safety risk management strategies set out below based on:

- the nature of all School environments (physical, virtual, online and off-campus)
- the operational profile of the School
- the activities students undertake at the School (including the provision of services by Contractors or outside the School'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, students with disability, LGBTIQ+ students and other vulnerable students.

In particular, the School has taken the following factors into account:

### Principal

The School's risk management strategies aim to identify and mitigate risks in the School's physical, virtual and online environments without compromising students' rights to privacy, access to information, social connections and learning opportunities.

## Little Yarra Steiner School's Child Safety Risk Management Strategies

The School's strategies to identify and mitigate our child safety and wellbeing risks are:

- **Risk Management Program:** The School has a comprehensive [Risk Management Program](#), that was drafted in accordance with the principles and standards of the International Risk Management Standard AS/ISO 31000, for managing all risks relating to its operations, including child safety risks.
- **Risk Assessments:** The School conducts a risk assessment of its environments and activities, taking into account the characteristics and 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 protection strategies and systems that a person motivated to harm or abuse students could exploit.

- **Child Safety Risk Register:** The School identifies and records all reasonably foreseeable risks of child abuse and other harm in all School environments, as well as all other risks relevant to child safety, in a Child Safety Risk Register, and assesses these risks with regard to the likelihood of the risk event occurring and the potential consequences if it was to occur. This Risk Register can be found [Child Safe Risk Register](#).
- **Child Safety Risk Register Annual Reviews:** The Child Safety Risk Register is reviewed annually by the Board and at least annually by the Principal. This review includes:
  - reviewing the effectiveness of child safety risk control measures and evaluating the overall risk rating for all child safety risks
  - analysing child safety incidents that may indicate a breakdown in risks controls
  - analysing any instances of non-compliance with child protection 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 Protection Program:** The School has developed and implemented this Child Protection Program, which includes a comprehensive suite of child protection policies and procedures. These policies and procedures include, in particular:
  - child protection standards, set out in our [Child Safe Policy](#)
  - policies, procedures and guidance, set out in [Responding to and Reporting Child Safety Incidents or Concerns](#), on identifying risks of child abuse and other harm in the 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 [Child Safe Code of Conduct](#)
  - a [Working with Children Checks](#) policy
  - a set of [Reportable Conduct](#) policies and procedures
  - a set of policies and procedures for [Child Protection Human Resources Management](#).
- **Cyber Safety:** The School has policies and procedures for both Staff and students about the use of information and communication technologies, cyber safety and online conduct that are consistent with the Child Safe Code of Conduct. **Child Protection Training and Information:** The School provides [Child Protection Training](#) at induction, and annual refresher child protection training, for all school staff. Relevant Volunteers also receive child protection training and/or information as set out in that policy.
- **Child Safe Officers:** The School has appointed a number of [Child Safe Officers](#) who are "child protection Champions" at the School.
- **Approvals for Specific Contexts and Activities:** The School has an approvals process and/or ongoing risk management process for certain School contexts and activities (set out in the Child Safety Risk Management 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 about Child Safety Risk Management:** the Board and the School Management receive regular reports regarding child safety 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 safety systems, procedures and risk controls.

- **Continuous Improvement:** The School and the Board are committed to a continuous improvement process which involves regular review of the Child Protection Program and child safety risks to identify areas for improvement.

## Child Safety Risk Appetite

The School has no appetite for any increase to any risk rating for child safety risks.

As a result, the School regards any non-compliance with legal and regulatory requirements related to child safety and wellbeing as unacceptable and requiring immediate rectification.

The School has no appetite for implementing any new programs or initiatives that:

- may increase the School's child safety risks
- may result in a breakdown of the School's existing child safety risk controls and their effectiveness.

## Child Safety Risk Management Procedures

### Identifying and Internal Reporting of Child Safety Risks

The School Management and the Board consider, as part of their annual reviews of the Child Safety Risk Register, all currently identified child safety risks, whether these reflect all of the School's current child safety risks and whether there are any additional child safety risks that should be added to the Child Safety Risk Register.

In addition, child safety risks at the School may be identified during reviews of the Child Protection Program as a whole, which:

- consider whether a consistent child safety issue is being regularly raised in complaints and/or other feedback from the School community
- require systemic reviews and/or a root cause analyses of child safety incidents or concerns that occur at or involve the School.

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

All staff members must be aware of the School's child safety risk management practices and must report to the Principal or a Child Safe Officer:

- any incidents, issues or concerns that may indicate a breakdown in our child safety risk controls
- any new or perceived child safety risks.

Contact details for our Child Safe Officers are available [here](#).

## 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 was 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 Little Yarra Steiner School is outlined in detail [here](#).

The risk evaluation methodology is outlined [here](#).

Risk treatments are implemented using the methodology outlined [here](#).

## Risk Assessments for Specific School Contexts and Activities

The School Management, and any staff members who have or who have been delegated the required level of responsibility, must ensure that child safety risks are considered and reviewed when there are changes to the School's operational profile or when new activities, buildings and facilities are planned and operating.

The following School 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 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 School environment and electronic communications, to identify and eliminate online child safety risks such as access controls, inappropriate sharing of information/data security, online grooming, and breaches of the [Child Protection Codes of Conduct](#).
- **Excursions and Camps:** The School has developed and implements specific policies and procedures relating to excursions and camps ensuring that child safety 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 School has developed and implements specific policies and procedures relating to work experience placements, including the completion of a Student Work Experience Checklist that outlines key child safeguarding requirements. For more information, refer to our [Student Work Experience Policy](#).
- **Sport:** The School has developed and implements specific policies and procedures to manage child safety risks specific to the variety of sporting activities at the School. These risks include the use of Casual Staff and Volunteers, maintaining professional boundaries, appropriate demonstration techniques and supervision both on School grounds and in off-site locations. For more information, refer to our [Insert School's Sports/Extra-Curricular Activities Policy](#).

## CompliSpace Assurance

The School has implemented CompliSpace Assurance as one strategy to manage the child safety risks in the School's environments.

CompliSpace Assurance is an online risk and compliance workflow management tool that integrates with our Child Protection 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 School to monitor and record its compliance performance in real-time.

The School 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 School's Child Safety Risk Register**

Our commitment to keeping children and young people safe cannot be achieved without effectively managing child safety risks. As a result, the School has developed a Child Safety Risk Register. This is to ensure that the Board and the School Management have clear visibility and oversight of child safety risks in the School, and enable the School to effectively manage our legal and regulatory child safety obligations under Ministerial Order 1359.

The School Management and the Board review, at least annually, the child safety risks that are included in the Child Safety Risk Register and the effectiveness of risk controls for each child safety risk. Where new child safety risks are identified, these are discussed and added to the Child Safety Risk Register and risk controls for the new risks are identified and implemented.

Our Child Safety Risk Register can be found [Child Safe Risk Register](#)\*\*.\*\*

## **Communicating our Child Safety Risk Management Strategies**

The School makes our Child Safety Risk Management policy available to all Staff via the School's PolicyConnect site. Training about the Child Safety Risk Management policy is included in induction and annual refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Protection Training](<https://ce-viewer.com/module/262/page/f4cee8fb-535b-4a1a-89df-ff12b0ee8067.md>).

The Child Safety Risk Management policy is also communicated to Staff, Volunteers, Contractors, parents/carers, students and the wider School community in summary in the [Child Safe Policy](#), which is available on our public website.

It is also available in hard copy by request.

## **Child Protection Responsibilities**

Everyone in society shares responsibility for promoting the safety and protection of children and young people from abuse and other harm. In the School context, all members of the School community have their role to play – teachers, Staff, administrators, parents/carers and other family members, Volunteers, Contractors and students.

That said, the School Management is committed to leading from the front and engaging in a preventative, proactive and participatory approach to child safety.

The School encourages students to take an active role in developing and maintaining a child safe environment at the School and provides them with opportunities to contribute and give feedback in the development of the School'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 section of the Child Protection Program sets out the roles and responsibilities that specific members of the School community have with respect to child protection at the School in general and the Child Protection Program as a whole, as follows:

Additional roles and responsibilities that relate to individual policies and procedures are set out in the relevant policy/procedure.

## Source of Obligation

Standard 2 of the Victorian Child Safe Standards requires that child safety and wellbeing is embedded in Little Yarra Steiner School's leadership, governance and culture. In particular, the School's governance arrangements must facilitate implementation of its child safety and wellbeing policies at all levels.

### the Board Responsibilities

the Board is Little Yarra Steiner School's "school governing authority" for the purposes of Ministerial Order 1359.

the Board is responsible for:

- acquiring and keeping up to date knowledge of child safety issues
- understanding the nature of the School's operations and the child safety risks associated with these operations
- ensuring that the School has appropriate resources to effectively implement its Child Protection Program
- ensuring that the School has appropriate processes for receiving and considering information regarding child safety issues and is able to respond in a timely way to that information
- approving and reviewing the School's Child Protection Program to ensure that it has and implements processes to comply with its child safety legal and regulatory obligations
- ensuring that the School has developed and implemented ongoing monitoring processes to verify the provision and use of the resources that have been allocated to manage child protection obligations within the School and evaluate their effectiveness.

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

### The Principal's Responsibilities

the Board has delegated operational day-to-day management of the School and implementation of the Child Protection Program to the Principal.

The Principal is ultimately responsible, and will be accountable for, taking all practical measures to ensure that:

- the School effectively implements the Child Protection Program, and effectively deploys all available resources for that purpose

- one or more Child Safe Officers are appointed and trained
- a strong and sustainable child safe culture is maintained within the School, including by:
  - modelling the Child Safe Code of Conduct, and reinforcing high standards of child safe behaviours between adults and students and between students
  - facilitating the participation of students, families, Staff and other members of the School community in promoting and improving child safety and wellbeing at the School
  - promoting regular and open discussion of child safety and wellbeing issues within the School community
  - facilitating regular professional learning for Staff and relevant Volunteers and Contractors about child safety, cultural safety, student wellbeing and preventing and responding to child safety incidents and concerns
- creating an environment where child safety incidents, concerns and complaints are readily raised with the School and where no one is discouraged from reporting child safety incidents or concerns to relevant external authorities
- any child safety incidents or concerns are dealt with professionally and in a timely manner
- the Board receives regular reports with respect to child safety matters at the School
- all Staff and Direct Contact Contractors, as well as relevant Volunteers are aware of the School’s Child Protection Program and trained in implementing the Program’s processes and procedures
- the School is complying with its legal and regulatory obligations with respect to child safety and wellbeing.

The Principal may, when appropriate, call on the School Management for advice and support in the management and implementation of the School’s Child Protection Program.

For the purposes of the Reportable Conduct Scheme, the Board Chair has authorised the Principal 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 Board Chair undertakes these responsibilities.

### The School Management’s Responsibilities

Each member of the School Management is required to ensure that appropriate resources are made available in their area of operations to allow the School’s Child Protection Program to be effectively implemented within the School, and to support the Principal in the practical application of the School’s child protection strategies, policies, procedures and work systems.

### Child Safe Officers’ Responsibilities

One or more staff members are nominated as the School's Child Safe Officers. They are:

Name	Position	Contact No.	Email Address
John Stewart	Principal	59671953	jstewart@lyss.vic.edu.au
Bernard Wagg	Assistant Principal	59671953	bwagg@lyss.vic.edu.au

The appointment of Child Safe Officers is one strategy used at the School to meet Standard 2 of the Victorian Child Safe Standards – embedding a culture of child safety and wellbeing in the School’s leadership, governance and culture.

Child Safe 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 School, for example, a person who has seniority and experience working with complex student and family issues at the School and someone who is readily accessible and available to all members of the School community
- their personal profile within the School, 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.

Child Safe Officers also receive special training that allows them to deal with child safety incidents or concerns both sensitively and effectively.

## Key responsibilities of Child Safe Officers

- having a good working knowledge of the School’s Child Safe Policy and Child Protection Program
  - acting as “Child Protection Champions” and ensuring that a strong and sustainable child safe culture is embedded within the School
  - promoting child safety issues within the School community and responding to general queries with respect to the School’s Child Protection Program
  - being a point of contact for Staff, or other members of the School community, raising child safety concerns within the School
  - communicating the School’s child protection policies and procedures to all stakeholders including students, parents/carers, Staff, Volunteers and Contractors
  - on behalf of the Board and the School Management, ensuring that the School’s Child Protection Program is being effectively implemented
  - on behalf of the Board and the School Management, reviewing and managing particular aspects of the School’s Child Protection Program, and specifically the School’s procedures for Responding to and Reporting Child Safety Incidents or Concerns
  - ensuring that the School Management, all Staff, and relevant Volunteers and Contractors undertake child protection 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, and understand our procedures for Responding to and Reporting Child Safety Incidents or Concerns
  - ensuring that there are clear procedures to allow people to report Reportable Conduct within the School
  - providing all Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors with a copy of the School’s Child Safe Policy, the Child Protection Codes of Conduct and key contact numbers for reporting child safety concerns
  - where authority is delegated from the Principal, promptly managing the School’s response to a child safety incident or concern, and ensuring that the incident, allegation, disclosure or suspicion is taken seriously
  - responding appropriately to and providing support and assistance for students and their families following child safety incidents, concerns, complaints and disclosures

- offering assistance and support when other members of the School community receive or make 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 Safe Officer cannot perform their role, for example, due to conflicts of interest or absence, either another Child Safe Officer, the Principal, the Senior Child Safety Officer or the Assistant Principal must perform these duties.

### **The Senior Child Safety Officer's Responsibilities**

The School has appointed at least one Senior Child Safety Officer. They are John Stewart.

They have an important role in the implementation and operation of our Child Protection Program and are identified in our publicly available Child Safe Policy as the individual/s who the wider community can contact when they have child safety concerns relating to the School.

Key responsibilities of the Senior Child Safety Officer include:

- being a first point of contact for all child safety concerns or queries for the wider community
- ensuring that other Child Safe Officers understand and comply with their key responsibilities
- ensuring that all Child Safe Officers undergo appropriate annual training in the School's Child Protection Program, their legal responsibilities, and how to appropriately respond to child safety concerns and incidents
- coordinating the School's response to child safety incidents in consultation with the the Principal, the School Management and Little Yarra Steiner School
- ensuring that the School's child protection 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, are required, as a condition of their employment at the School, to comply with our Child Protection Program, including the [Child Protection Codes of Conduct](#), and their legal obligations with respect to the reporting of child safety incidents or concerns and regarding WWC Checks.

It is each individual's responsibility to be aware of key indicators of child abuse and other harm, to be observant, and to raise any and all child safety incidents or concerns with a [Child Safe Officer](#) and with external agencies where required.

To meet these obligations, all Staff must:

- participate in child safety and wellbeing induction and ongoing training provided by the School
- always follow the School's child safety and wellbeing policies and procedures in the Child Protection Program
- act in accordance with the [Child Protection Codes of Conduct](#)
- identify and raise child safety incidents and concerns in accordance with our Procedures for Responding to and Reporting Child Safety Incidents or Concerns, and follow the [PROTECT Four Critical Actions](#) and [Four Critical Actions: Student Sexual Offending](#)
- ensure 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

A volunteer is a person who works without payment or financial reward for the School. Volunteers may be family members of students, or from the wider School or local community. Volunteers make a considerable contribution to the School community by giving their time and sharing their skills and expertise with others. In most instances, School governing body members are also considered to be volunteers.

Most Volunteers engaged by the School are engaged in child-connected work within the meaning of Ministerial Order 1359.

## Categories of Volunteer

Little Yarra Steiner School has identified three categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers' responsibilities and obligations under the Child Protection Program may depend on their category. The categories of Volunteer are:

- Direct Contact Volunteers
- Regular Volunteers
- Casual Volunteers

Refer to Child Protection Program Definitions for an explanation of each of these categories and which Volunteers are engaged in "child-connected work" within the meaning of Ministerial Order 1359.

Where the term "Volunteer" is used, the relevant responsibility or obligation applies to "Direct Contact Volunteers", "Regular Volunteers" and "Casual Volunteers". Other responsibilities and obligations specify the category of Volunteer to whom that responsibility or obligation applies.

## Responsibilities and Obligations of Volunteers

**All Volunteers** at the School are responsible for contributing to the safety and protection of students in the School environment.

It is the School's policy that, irrespective of the degree of contact with students, or the frequency or length of engagement, **all Volunteers** must:

- adhere to the School's Child Safe Policy, Child Safe Code of Conduct and Staff and Student Professional Boundaries policy
- hold a current WWC clearance if required to do so by law or by School policy (refer to Working with Children Checks for an explanation of which Volunteers are required by law or School policy to hold a WWC clearance)
- report child safety concerns to external agencies where required by law.

It is the School's policy that, in addition to the above, Direct Contact Volunteers and Regular Volunteers who are engaged in child-connected work must:

- ♦ complete the School's online child protection learning course prior to commencing volunteer work at the School
- ♦ acknowledge in writing or online/electronically indicating that they have read and understood the School's Child Safe Policy and Child Safe Code of Conduct

- be aware and observant of key indicators of child abuse and other harm
- raise any child safety concerns they may have with a Child Safe Officer or the Principal.

Volunteers can direct questions about child safety at the School to a Child Safe Officer.

## Contractors' Responsibilities

On occasion it may be necessary for the School to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Little Yarra Steiner School. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches and School cleaners.

Many, but not all, Contractors engaged by the School are engaged in child-connected work within the meaning of Ministerial Order 1359. Ministerial Order 1359 defines "child-connected work" as work authorised by Little Yarra Steiner School and performed by an adult in the School's environment while children are present or reasonably expected to be present.

## Categories of Contractors

Little Yarra Steiner School has identified three categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Protection Program may depend on their category. The categories of Contractor are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors

Refer to Child Protection Program Definitions for an explanation of each of these categories and which Contractors are engaged in "child-connected work" within the meaning of Ministerial Order 1359.

Where the term "Contractor" is used in our Child Protection Program, the relevant responsibility or obligation applies to "Direct Contact Contractors", "Regular Contractors" and "Casual Contractors". Other responsibilities or obligations specify the category of Contractor to whom that responsibility or obligation applies.

## Responsibilities and Obligations of Contractors

**All Contractors** engaged by the School are responsible for contributing to the safety and protection of students in the School environment.

It is the School's policy that, irrespective of the degree of contact with students, or the frequency or length of engagement, **all Contractors** must:

- adhere to the School's Child Safe Policy, the Child Safe Code of Conduct and Staff and Student Professional Boundaries policy
- hold a current WWC clearance if required to do so by law or by School policy (refer to Working with Children Checks for an explanation of which Contractors are required by law or School policy to hold a WWC clearance)
- report child safety concerns to external agencies where required by law.

It is the School's policy that, in addition to the above, Direct Contact Contractors and Regular Contractors who are engaged in child-connected work must:

- complete child protection training prior to commencing work at the School
- be aware and observant of key indicators of child abuse and other harm
- raise any child safety concerns they may have with a Child Safe Officer or the Principal.

Little Yarra Steiner School may include these requirements in the written agreement between it and the Contractor.

Where a Contractor is engaged at short notice, making it impractical to undertake normal screening and/or briefing sessions/procedures, the School will take reasonable steps to ensure the safety of students at the School while the work is being completed.

Contractors can direct questions about child safety at the School to a Child Safe Officer.

### **External Education Providers' Responsibilities**

An External Education Provider is any organisation that the School has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School. The delivery of such a course may take place on School premises or elsewhere.

All External Education Providers engaged by the School are responsible for contributing to the safety and protection of children in the School environment (this includes camps and excursions).

All External Education Providers engaged by the School must be familiar with our [Child Safe Policy](#), and adhere to our [Child Protection Codes of Conduct](#).

Little Yarra Steiner School may include this requirement in the written agreement between it and the External Education Provider.

### **Child Protection Human Resources Management**

## **The Policies and Procedures in this Section**

This section of the Child Protection Program sets out the expectations, systems, work practices, policies and procedures that the School employs to ensure that its Human Resources Management practices are child safe, to protect children from abuse and other harm, and to create a child safe culture.

They include:

- [Child Protection Recruitment, Screening and Suitability Assessment](#)
- [Working with Children Checks](#)
- [Child Protection Training, Supervision, Performance Monitoring and Professional Development](#)
- [Disciplinary Actions \(Child Protection\)](#)

## Source of Obligation

In general, Little Yarra Steiner School's Child Protection Human Resources Management Policies and Procedures implement:

- Victorian Child Safe Standards, Standards 6 and 8
- Ministerial Order 1359, Clauses 10 and 12

Standard 6 of the Victorian Child Safe Standard 4 requires people who work with children and young people at or for the School are suitable and are supported to reflect child safety and wellbeing values in practice.

Standard 8 of the Victorian Child Safe Standards sets out specific requirements in relation to ongoing training and information for Staff and Volunteers.

To implement these Standards, Ministerial Order 1359 requires the Board to ensure that the School meets a number of human resources-related requirements for **school staff** and **Volunteers** who will be or who are engaged in **child-connected work**.

Other legislative obligations relevant to specific policies and procedures in this section of the Child Protection are set out in the various policies.

## Approvals and Reviews of the Child Protection Human Resources Management Policies and Procedures

As required by Ministerial Order 1359, all of the policies and procedures in this section of the Child Protection Program have been approved by the Board.

They are regularly reviewed in accordance with the schedule set out in the [Regular Reviews and Continuous Improvement](#) section of the Child Protection Program.

All changes to these policies and procedures that result from a review are approved by the Board.

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

### Child Protection Recruitment, Screening and Suitability Assessment

## Source of Obligation

A child safe organisation has policies and procedures for recruitment and selection processes, supervision and training, and managing the performance of Staff, and relevant Volunteers and Contractors, that promote child safety.

In particular, Ministerial Order 1359 requires (among other human resources-related requirements) the Board to ensure that:

- recruitment advertisements for **school 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 School’s child safety practices (including the Child Safe Code of Conduct)
- **Volunteers** engaged to undertake child-connected work are made aware of the School’s Child Safe Policy and Child Safe Code of Conduct
- when engaging school staff, and Volunteers to perform **child-related work**, the Board collects and records (if reasonable and appropriate in relation to Volunteers):
  - proof of identity
  - information about essential or relevant professional or other qualifications
  - child-related work history
  - references that address suitability for the job and working with children.

the Board need not, however, comply with the requirements in the last dot point if it has already made reasonable efforts to collect and record this information about a particular individual within the previous 12 months.

## Key Definitions

Definitions of particular terms used in the Child Protection Human Resources Management policies and procedures can be found in [Child Protection Program Definitions](<https://lyss.policyconnect.com.au/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>).

Of particular importance to Child Protection Recruitment, Screening and Suitability Assessment are the following additional key definitions, as well as summaries of other key definitions (from the full definitions in [Child Protection Program Definitions](#)):

### Child-Connected Work

For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Under this definition:

- all staff members, including teaching and non-teaching Staff, are engaged in child-connected work
- many, but not all Volunteers and Contractors are engaged in child-connected work. Volunteers and 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.

For more information about which Volunteers and Contractors may be engaged in child-connected work, refer to the definitions of **Direct Contact, Regular and Casual Volunteers**, and **Direct Contact, Regular and Casual Contractors**, below.

“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 School

to work with the Board of Directors and who attends the School for meetings during school hours (i.e. 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 2020 (Vic). It is work performed at or for the 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, 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 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.

The engagement or employment of Staff and Contractors at the School (other than the Principal) is undertaken by the Business Manager on behalf of the Board.

This means that, at the School, **all staff members, as well as Direct Contact Contractors and any minister of religion or employee or officer or a religious body associated with the School**, are “school staff”.

## Staff/Staff Member

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

Although members of the Board of Directors are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Protection Program.

## Volunteers and Contractors

A Volunteer is a someone who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or from the wider School or local community.

Volunteers are not “school staff” within the meaning of Ministerial Order 1359, even if they are engaged in “child-connected work”.

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

The School 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). Direct Contact Volunteers/Contractors who are adults **are** engaged in **both** “child-connected work” and “child-related work.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the School 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 School’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** engaged in “child-connected work” if they are adults and work when children are present or expected to be present.
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the School 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 School 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** engaged in “child-connected work” if they are adults and work when children are present or expected to be present.

## Little Yarra Steiner School's Practices

At Little Yarra Steiner School we are committed to ensuring that our recruitment practices 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 protection policies and procedures for recruiting those S\*\*taff, Contractors\*\* and \*\*Volunteers\*\* who are engaged in \*\*child-connected work\*\* and for assessing their suitability to work with children.

This Policy and its Procedures set out the recruitment, selection and assessment processes used at the School and that are designed to:

- select appropriate Board of Directors members, Staff (including members of the School Management), Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors
- ♦ discourage inappropriate people from working within the School.

# Little Yarra Steiner School's Recruitment, Screening and Suitability Assessment Policies

## Acknowledgment of Child Safe Policy and Child Protection Codes of Conduct

It is a condition of employment that all new Staff at the School acknowledge in writing or online/electronically that they have read and understood our Child Safe Policy and the Child Protection Codes of Conduct prior to commencing at the School. These acknowledgements are then required annually for ongoing Staff.

All Direct Contact Volunteers/Contractors and all Regular Volunteers/Contractors must acknowledge in writing or online/electronically that they have read and understood our Child Safe Policy and the Child Safe Code of Conduct before being engaged by the School. These acknowledgements are then required annually for ongoing Direct Contact and Regular Volunteers/Contractors.

Whenever possible and practicable, the School gives a copy of, or information about, our Child Safe Policy and the Child Safe Code of Conduct to Casual Volunteers/Contractors when they are first engaged by the School.

## Assessing the Suitability of Potential Staff and Contractors

Assessing suitability to work with children requires more than just criminal background checking. The WWC Check is a useful tool to keep children safe, however, it is only one part of creating a child safe environment. For more information about WWC Checks, refer to [Working with Children Checks](<https://lyss.policyconnect.com.au/module/262/page/b9aa48e7-05d3-47a4-90c4-cd847303b67b.md>).

In addition to WWC Checks, Little Yarra Steiner School uses a range of screening procedures to assess the suitability of all applicants for Staff and Direct Contact Contractor roles. These include:

- personal identity verification and background checking
- 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 application of child protection measures to which applicants must respond
- values-based interviewing.

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, Little Yarra Steiner School.

## Application to Direct Contact Volunteers

People that the School proposes to engage in Direct Contact Volunteer roles may be required to undergo the following screening (or modified versions of it) depending on their role, prior to commencing any work at the School:

- 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 does 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 Volunteers (including parent volunteers), refer to [Working with Children Checks](#).

## **Application to Casual Volunteers/Contractors**

It may not generally be practicable for any of the above 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-related work” or “child-connected work” while at the School. 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 School’s risk-based approach to child safety and wellbeing, where it is not practicable to undertake relevant screening and suitability assessment of a Casual Volunteer/Contractor, the School will undertake additional measures to ensure the safety of students at the School. These measures include but are not limited to:

## **Recruitment Record Keeping**

The School holds 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,

pursuant to our [Child Protection Record Keeping](#) and the School’s broader record keeping policies.

## **Little Yarra Steiner School's Recruitment, Screening and Suitability Assessment Procedures**

### **Employment Advertising**

All Little Yarra Steiner School job advertisements and employment packages clearly state our commitment to child safety.

Employment packages sent to potential applicants for child-connected Staff roles and Direct Contact Contractor roles at the School include a position description, below, the Child Safe Policy and the Child Safe Code of Conduct.

### **Position Descriptions**

The School has developed clear job descriptions and duty statements (together called “position descriptions”) for each “child-connected” Staff role and each Direct Contact Contractor role at or for the School.

In addition, we assess **all** roles for the expected level of contact with children and appropriate child safe recruitment procedures are implemented for each position.

Each position description clearly states:

- the School’s commitment to child safety and wellbeing
- the expected level of contact with children and young people
- the duties and tasks of the role, including any specific requirements, duties and responsibilities regarding child protection
- the essential or relevant qualifications, experience and attributes that applicants must have in relation to child protection, including any requirement to have a WWC clearance
- the level of responsibility and supervision of and by the position
- the School’s clear expectation that all Staff, and all Volunteers/Contractors engaged in child-connected work must have and maintain a commitment to child safety.

We also develop duty statements for Direct Contact Volunteer and Direct Contact Contractor roles at the School, or for generalised categories of these roles.

Duty statements for Volunteer and 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 School’s Child Safe Policy and the Child Protection Codes of Conduct.

The School informs all applicants for child-connected work at the School about the requirements of their role as set out in the relevant position description prior to commencing work at the School.

## Identity Checks

It is critical to confirm the identity of an applicant for employment. The School confirms this identity, for every applicant for employment as a staff member, or for engagement as a Direct Contact Contractor, using the [Victorian Institute of Teaching’s Identity Verification Documents.](<https://www.vit.vic.edu.au/register/how-to/identity>)

## Selection Criteria and Values-Based Interviewing

The School uses formal selection criteria and values-based interviewing to assess the suitability of applicants for all Staff and Direct Contact Contractor roles.

The School assesses an applicant based on the following areas, and includes these in our selection criteria and interview questions:

- ♦ motivation to work with children and young people (personal and/professional)
- ♦ understanding of children’s and young people’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 protection measures
- values (honesty, integrity, reliability, fairness and non-discrimination) and attitudes towards working with children and young people.

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, particularly students that are more vulnerable or have special needs.

The School provides in-depth guidance to its Human Resources Staff so that they can identify factors in these 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 School checks the professional qualifications, child-connected work histories and details provided by applicants in respect of previous employment for accuracy in relation to applicants for all Staff and Direct Contact 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 School – a failure to properly check applicants' references can compromise the safety of students and the School.

Wherever possible, the School checks references for all applicants for Staff and Direct Contact 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 with
- 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 and/or young people?
- Can you describe the types of relationships and interactions the person has had with children and/or young people?
- Would you employ the person again?
- Do you have any concerns about the applicant working directly with children and/or young people?
- Are you comfortable knowing that the applicant might sometimes be working alone with children and/or young people?
- Did you have any disciplinary matters relating to the person or concerns about their adherence with the organisation's Code of Conduct?

## Child Protection Recruitment and Other Legislation

Our recruitment practices are subject to state and federal anti-discrimination legislation and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing, and storing information from applicants and referees.

### Working with Children Checks

## Source of Obligation

The Worker Screening Act 2020 (Vic) (the Act) aims to protect children from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body. This checking process is called the WWC (working with children) Check.

People who are assessed as posing an unjustifiable risk to the safety of children fail the WWC Check and the Act prohibits these people from working or volunteering with children. The Act imposes penalties for schools and individuals that do not comply with the Act.

Ministerial Order 1359 requires that, when engaging **school staff** or **Volunteers** to perform **child-connected work**, the Board must sight, verify and record the person's WWC 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 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.

This Policy and its Procedures outline the responsibilities and obligations of Staff, Volunteers, Contractors and others under the Act and Ministerial Order 1359. It also sets out information and procedures relevant to the WWC Check process and verification of workers' WWC clearances.

## Key Definitions

Definitions of particular terms used in the Child Safe Human Resources Management policies and procedures can be found in [Child Protection Program Definitions](<https://lyss.policyconnect.com.au/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>).

Of particular importance to this Policy are the following additional key definitions, and summaries of other key definitions (from the full definitions in [Child Protection Program Definitions](#)):

### Work and Worker

A person is referred to as a "worker" for the purposes of this Policy, if they are engaged in "work" for the School.

"Work" is defined in section 3 of the Act to mean:

(a) work engaged:

- ♦ 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

(b) practical training undertaken as part of an educational or vocational training course;

(c) 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 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, including teaching and non-teaching Staff, **are** engaged in child-connected work.
- many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are themselves children or who do not work when children are present or expected to be present are **not** engaged in child-connected work.

For more information about which Volunteers and Contractors may be engaged in child-connected work, refer to the definitions of Direct Contact, Regular and Casual Volunteers, and Direct Contact, Regular and Casual Contractors, below.

“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 School to work with the Board of Directors and who attends the School for meetings during school hours (i.e. when children are present) is **not** engaged in “child-related work” for the purposes of the WWC Check 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 with a child.

The occupational categories listed in the Act that may be relevant to the School 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 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
- work engaged in as a minister of religion

However, work in these occupational categories (other than ministers of religion) is **not** “child-related work” if the work involves only occasional direct contact with children that is incidental to the work (e.g. a consultant engaged by the School and who attends the School for meetings during school hours when children are present is likely not to be engaged in “child-related work”).

Under this definition, most Staff at the 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.

## **Staff/Staff Member**

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

Although Board of Directors members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Protection Program.

## Volunteers and Contractors

A Volunteer is a someone who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or from the wider School or local community.

Volunteers are not “school staff” within the meaning of Ministerial Order 1359, even if they are engaged in “child-connected work”.

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

The School 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). Direct Contact Volunteers/Contractors who are adults **are** engaged in **both** “child-connected work” and “child-related work”.
- Regular Volunteers/Contractors: Volunteers and Contractors who assist the School 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 School’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 work when children are present or expected to be present.
- Casual Volunteers/Contractors: Volunteers and Contractors who assist the School 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 School 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 work when children are present or expected to be present.

## “Visitors”

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

- Casual Volunteers
- Casual Contractors
- people invited by the School or a staff member to attend a School event or to be in a School environment

- people who attend a School environment for commercial purposes, such as for deliveries or sales purposes.

## Who Needs a WWC Clearance?

### By Law

Subject to **Key Exemptions** below, the Act requires that any **worker** who engages in **child-related work** that involves **direct contact** with a child must hold a valid WWC clearance.

Therefore, unless an exemption applies, it is a legal requirement that **the following persons at the School must undergo a WWC Check and hold a valid WWC clearance in order to work or volunteer at the School:**

- Staff who have direct contact with children, other than registered teachers (who are exempt)
- Direct Contact Volunteers (other than those who are exempt)
- Direct Contact Contractors
- ministers of religion and people performing duties of a religious vocation
- trainee teachers.

It is an offence for a worker in these categories to work with children without a valid WWC clearance. It is also an offence for the School to engage in child-related work a worker who does not hold a valid WWC clearance.

### Key Exemptions

The Act exempts some people from needing a WWC clearance to volunteer or otherwise work with children.

Under the Act, the following people are not required, by law, to have a WWC clearance in order to work or volunteer with children:

- teachers registered with the Victorian Institute of Teaching (VIT)
- parents or close relatives volunteering in an activity in which their child participates or normally participates
- students, aged 18 or 19, undertaking volunteer work organised or held at the School
- Victorian or Australian Federal Police officers
- workers, who usually live in another state or territory, visiting Victoria to engage in child-related work (only up to 30 days within the same calendar year)
- all children under the age of 18.

**Staff members with current VIT teacher registration do not require additional WWC Check screening as their registration includes equivalent checks, Information sharing and notification requirements. However, they must notify [Working with Children Check Victoria \(WWCCV\)](#) of organisations in which they undertake any other child-related work. They must also notify the VIT if they are charged with, committed for trial for, or convicted or found guilty of offences that accord with those applicable to the WWC Check scheme, or if they are issued with a negative notice under the WWC Check scheme. For more information, refer to [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#).**

### Workers' Obligations

Workers must:



- provide their WWC Check Card and/or Application Receipt numbers to the School, before commencing work at the School
- on receiving a WWC clearance, show their WWC Check Card to the School,(or, in the case of a Contractor engaged by a company other than Little Yarra Steiner School to perform services at the School, their company) and to any other organisation where they do child-related work
- notify 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 the School, (or, in the case of a Contractor engaged by a company other than Little Yarra Steiner School to perform services at the School, 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
- stop working with children immediately 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.

## Little Yarra Steiner School's Obligations

The School 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 Little Yarra Steiner School
- 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 Little Yarra Steiner School, the School may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the School.

To meet these obligations, the School will:

- before engaging a new worker, check 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 scheme 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 Little Yarra Steiner School, the School 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 School and provide to the School evidence of this verification; and/or
- provide to the School a list of every person engaged by the Contractor to provide the contracted service to the School 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 School.

The School 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's 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 School 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 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 doesn't have a WWC clearance to another organisation if the work to be undertaken with that organisation is child-related work.

## Record Keeping Obligations

Little Yarra Steiner School will maintain all required records relating to WWC Check requirements. For the School's record keeping obligations relating to the WWC Check and WWC clearances, refer to [Child Protection Record Keeping] (<https://lyss.policyconnect.com.au/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>).

## WWC Check Procedures and Guiding Information

### 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 2 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 3 original proof of identity documents (1 primary and 2 secondary documents; 2 primary and 1 secondary document; or 3 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 3 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?**

Most workers can work in child-related work after applying for a WWC Check but before the outcome is determined.

However, 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?

Working with Children Check Victoria (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 a WWC exclusion should be issued. 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 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 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 will be subjected 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 with a WWC exclusion.

The maximum penalty for all of the above is two years' imprisonment, a fine or both.

The School 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, supervision or detention or emergency detention orders, or excluded from child-related work under a corresponding working with children law. The penalty for organisations is a significant fine.

## Child Protection Training, Supervision, Performance Monitoring and Professional Development

### Source of Obligation

A child safe organisation must provide induction and ongoing training about child safety and wellbeing, including but not limited to child protection issues, for its Staff and relevant Volunteers and Contractors. It also must provide supervision in relation to, and monitor, their child safety-related performance.

In particular, Ministerial Order 1359 requires the Board to ensure that:

- **Volunteers** engaged in **child-connected work** are made aware of the Child Safe Policy and Child Safe Code of Conduct
- **school staff**, members of the School'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 Safe Code of Conduct

- where relevant to their role, the Child Safe Policy and procedures for managing complaints and concerns relating to child abuse
- school staff, members of the School'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
- ongoing supervision and people management of Staff and Volunteers focuses on child safety and wellbeing.

## Key Definitions

Definitions of particular terms used in the Child Protection Human Resources Management policies and procedures can be found in [Child Protection Program Definitions](<https://lyss.policyconnect.com.au/module/262/page/248e18bd-275c-4c39-a63d-166f30ac1253.md>).

Of particular importance to Child Protection Training, Supervision, Performance Monitoring and Professional Development are the following additional key definitions and summaries of other key definitions (from the full definitions in [Child Protection Program Definitions](#)):

### Child-Connected Work

For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Under this definition:

- all staff members, including teaching and non-teaching Staff, **are** engaged in child-connected work
- many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and 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.

For more information about which Volunteers and Contractors may be engaged in child-connected work, refer to the definitions of [Direct Contact, Regular and Casual Volunteers, and Direct Contact, Regular and Casual Contractors](#).

“Child-connected work” is broader than “child-related work” as defined in the Worker Screening Act 202 (Vic). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does. For example, a consultant engaged by the School to work with the Board of Directors and who attends the School for meetings during school hours (i.e. when children are present) is not engaged in “child-related work” for the purposes of WWC clearance obligations but **is** engaged in “child-connected work” for the purposes of Ministerial Order 1359.

### Child-Related Work

“Child-related work” is defined in the Worker Screening Act 2020 (Vic). It is work performed at or for the 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, 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 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.

The engagement or employment of Staff and Contractors at the School (other than the Principal) is undertaken by the Business Manager on behalf of the Board.

This means that, at the School, **all staff members, as well as Direct Contact Contractors and any minister or religion, or an employee or officer of a religious body associated with the School**, are considered “school staff”.

## Staff/Staff Member

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

Although Board of Directors members are technically Volunteers, they are considered “Staff” for the purposes of this policy and the Child Protection Program.

## Volunteers and Contractors

A Volunteer is a someone who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or from the wider School or local community.

Volunteers are not “school staff” within the meaning of Ministerial Order 1359, even if they are engaged in “child-connected work”.

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

The School 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). Direct Contact Volunteers/Contractors who are adults **are** engaged in “child-connected work”.



- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the School 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 School's administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Volunteers/Contractors who are adults and who work when children are present or expected to be present **are** engaged in "child-connected work".
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the School 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 School fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Volunteers/Contractors who are adults and who work when children are present or expected to be present **are** engaged in "child-connected work".

## Little Yarra Steiner School's Practices

This Policy sets out, in the following subsections, the policies, procedures, work practices and guidelines that the School employs to ensure that Staff and relevant Volunteers and Contractors are provided with:

- an induction into our child safe policies, procedures and practices
- ongoing education and training about child safety
- child safety-related supervision, performance monitoring and performance appraisal
- child safety-related professional development.

The subsections of this Policy are:

- **Subsection 1: Child Protection Training**
- **Subsection 2: Child Protection Supervision and Performance Monitoring**
- **Subsection 3: Child Protection Professional Development for Staff.**

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.

### **Subsection 1: Child Protection Training**

Little Yarra Steiner School recognises that without child safety-related training and education of our the Board members, Staff, Volunteers and Contractors, our child protection policies and procedures will not operate effectively to keep our students safe and protect them from abuse and harm.

This subsection of the **Child Protection Training, Supervision, Performance Monitoring and Professional Development** policy describes the child protection training requirements for all Staff, Volunteers and Contractors.

## Who is Required to Complete What Child Protection Training?

### Induction Training

The following people must complete the School's online Child Protection Learning Course, as part of the induction process when they first commence their role at the School:

- Board of Directors members
- all Staff
- Direct Contact Volunteers

The following people will receive, when they first commence their role at the School, either modified induction training or information on our Child Safe Policy, the Child Safe Code of Conduct and how to report child safety incidents or concerns to the School:

- Direct Contact Contractors and Regular Contractors who are engaged in child-connected work
- Regular Volunteers who are engaged in child-connected work
- Casual Volunteers/Contractors who are engaged in child-connected

## **Ongoing and Refresher Training**

The following people must complete the School's online refresher Child Protection Learning Course, at least annually:

- Board of Directors members
- all Staff
- Direct Contact Volunteers

Direct Contact Contractors and Regular Contractors who are engaged in child-connected work must, as part of their contract with the School, provide evidence, or otherwise assure the School, that they undertake relevant child protection training at least annually. This training is not provided by the School.

## **Mandatory Reporter Training**

All Staff and Direct Contact Volunteers who are [Mandatory Reporters](<https://ce-viewer.com/module/262/page/90dad21a-dbf-4ffd-b110-1b1ee509a03b.md>) must complete the School's online Child Protection Learning Course when they first commence their role at the School as part of the induction process, and must undertake refresher training at least annually to ensure ongoing understanding of their obligations.

Contractors who are Mandatory Reporters must, as part of their contract with the School, provide evidence that they undertake relevant Mandatory Reporter Training at least annually. This training is not provided by the School.

## **Additional Training**

The School's Child Safe Officer/s, and other selected Staff, undertake additional training as considered appropriate to their roles. This additional training may include external courses, conferences and workshops on relevant child safety-related topics as well as internal training provided by Little Yarra Steiner School and/or Little Yarra Steiner School.

## **Training for Members of the School's Governing Authority**

the Board members must complete child protection training at least annually, to ensure that they are equipped with the knowledge required to make decisions in the best interests of student safety and wellbeing, and to identify and mitigate child safety and wellbeing risks in our School's environment. Their training includes guidance on:

- individual and collective obligations and responsibilities for implementing the Victorian Child Safe Standards and managing the risk of child abuse
- child safety and wellbeing risks in our School's environment
- the School's child protection policies, procedures, codes and practices.

## Training Content

Our induction and refresher child protection Learning Courses includes information on:

- our Child Protection Program
- our Child Safe Policy and Child Protection Codes of Conduct
- the legal and regulatory framework for child safety and wellbeing, including:
  - Working with Children Checks
  - Mandatory Reporting to Child Protection
  - Non-Mandatory Reporting to Child Protection
  - Reportable Conduct
  - Duty to Protect/Failure to Protect
  - Reporting to Police
  - Information sharing and record keeping obligations
  - privacy and employment law obligations related to child protection
  - 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 School and externally to the appropriate external authorities
- child protection 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 School's environments without compromising a student's right to privacy, access to information, social connections and learning opportunities.

## Child Protection Training Record Keeping

Through the School's CompliLearn, the School creates and maintains electronic records of all completed child protection training.

### Subsection 2: Child Protection Supervision and Performance Monitoring

This subsection of the **Child Protection Training, Supervision, Performance Monitoring and Professional Development** policy describes the supervision and performance review process that is provided to, or otherwise required of, various Staff, Volunteers and Contractors with respect to child safety and wellbeing.

## Key Definitions

### Supervision

“Supervision” is an intervention that is provided by a senior staff member of School to other staff members, Direct Contact Volunteers and Direct Contact 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 of their relationship with the wider School 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.

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 protection:

- consideration of performance against the Child Protection Program, including the Child Protection Codes of Conduct
- reviewing the skill sets of staff members relating to child protection, safety and wellbeing
- identifying additional child protection training needs relevant to the staff member’s role
- setting goals in relation to issues which 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).

## Child Protection Supervision and Performance Reviews for Staff and Contractors

### Regular Supervision and Performance Reviews for Staff and Contractors

The School provides all Staff, Direct Contact Contractors and Regular Contractors who are engaged in **child-connected work** with regular supervision – and, for Staff, performance reviews – by their Manager, a Child Safe Officer and/or a member of the School Management, that involves consideration of child safety issues, to ensure their behaviour towards students is appropriate and to monitor their compliance with the School’s Child Protection Program.

All Staff have a performance review at least annually.

The School assigns a supervising member of Staff to each Direct Contact Contractor and to each “child-connected” Regular Contractor. The Contractor’s supervising staff member will have at least one discussion with the Contractor during the period of the contract (and additional discussions, depending on the frequency of the Contractor’s engagement at the School) to discuss and monitor their performance in relation to child safety and wellbeing.

## **Child Protection Supervision and Performance Monitoring for Direct Contact and Regular Volunteers**

The School assigns a supervising member of Staff to each Direct Contact and “child-connected” Regular Volunteer.

The Volunteer’s supervising staff member will have at least one discussion with the Volunteer during the period of the volunteer work (and additional discussions, depending on the frequency of the Volunteer’s engagement at the School) to discuss and monitor their performance in relation to child safety and wellbeing.

### **Subsection 3: Child Protection Professional Development for Staff**

Little Yarra Steiner School recognises that ongoing professional development with respect to child protection is essential for our staff members to keep our students safe and protect them from abuse and harm.

When new Staff are first engaged by the School, the level of child protection training and experience they are required to possess is considered in the context of their appointed role. The School then works with each staff member to ensure that they can access ongoing child protection training and development opportunities that will continue to equip them to do their job well.

The School 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 School’s [Child Protection Codes of Conduct](#) and the requirements of the Child Protection Program.

### **Disciplinary Actions (Child Protection)**

Where a staff member, or a Direct Contact or Regular Volunteer/Contractor breaches any obligation, duty or responsibility within our Child Protection Program, the School 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.

Where any other member of the School community, including Casual Volunteers/ Contractors or other Visitors, breaches any obligation, duty or responsibility within our Program, the School will take appropriate action including, but not limited to, a School Community Safety Order in appropriate cases (for more information, refer to School Community Safety Orders Policy ).

All members of the School community must be aware that if they engage in certain conduct in breach of this Program, their conduct may also be subject to [Mandatory Reporting to Child Protection](#), [Non-Mandatory Reporting to Child Protection](#), [Reportable Conduct](#) and/or [Reporting to Police](#), which will be reported to the relevant external agency.

## Participation and Empowerment of Students

## The Policies and Procedures in this Section

This section of the Child Protection Program sets out the strategies, policies, procedures and practices that the School uses to encourage the participation and empowerment of all students:

- [Developing and Maintaining a Child-Friendly Culture](#)
- [Child Protection Pastoral Care](#)
- [Educating Students About Child Safety](#)

These policies and procedures must be read in conjunction with [Family and Community Involvement](#), [Cultural Safety and Equity/Diversity](#) and [Regular Reviews and Continuous Improvement](#), which detail additional measures that the School takes to encourage, enable and empower all students to participate in decisions that affect them.

## Principles of Participation

Three key principles underpin the participation of students:

- **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.

## The School's Approach to Participation and Empowerment of Students

As part of creating and maintaining a child safe environment at the School for all students, the School:

- engages and involves students in decisions that affect them
- provides child-friendly pathways for students to express their views and raise concerns
- takes students' views and opinions seriously
- educates students about their rights
- includes students in policy consultation and development.

The School has developed a number of strategies, procedures and practices to encourage the participation and empowerment of all students at the School. These are explained in the policies and procedures in this section of our Child Protection Program.

## Source of Obligation

Standard 3 of the Victorian Child Safe Standards is that children have a right to be heard and have their concerns and ideas taken seriously. To implement this Standard, Clause 7 of Ministerial Order 1359 requires the Board to ensure that:

- children and students are informed about all of their rights, including to safety, information and participation
- the importance of friendships is recognised and support from peers is encouraged, to help children and students feel safe and be less isolated
- 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
- the School has strategies in place to develop a culture that facilitates participation and is responsive to the input of children and students
- the School provides opportunities for children and students to participate and it responsive to their contributions to strengthen confidence and engagement.

## Approvals and Reviews of the Participation and Empowerment of Students Strategies, Policies and Procedures

As required by Ministerial Order 1359, all of the strategies, policies and procedures in this section of the Child Protection Program have been approved by the Board.

They are regularly reviewed in accordance with the schedule set out in the Regular Reviews and Continuous Improvement section of the Child Protection Program.

All changes to these policies and procedures that result from a review are approved by the Board.

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

## Developing and Maintaining a Child-Friendly Culture

Little Yarra Steiner School is a child safe and child-centred organisation. Our physical and cultural environment promotes children and young people's feelings of inclusion, participation and empowerment.

The School provides multiple age-appropriate and child-friendly platforms to regularly seek students' views about, and to enable students to participate in, decisions that affect them. These include:

Insert Child Safe Participation Methods

Decisions that affect students include decisions about organisational planning, delivery of services, management of facilities and classroom learning and assessment environments.

The School actively seeks to understand what makes students feel safe in our organisation. To do this, the School:

- encourages students to provide feedback about child safety concerns and issues at the School
- has and implements strategies to obtain feedback from students, including:
  - formal mechanisms such as anonymous surveys
  - informal mechanisms such as conversations with guardians, class teachers, student support staff, counsellors.

Little Yarra Steiner School takes all student contributions seriously and documents and actively looks for ways to implement improvements to its Child Protection Program that reflect these contributions.

The School 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 actioned.

## **Child Protection Pastoral Care**

### **Key Definition**

#### **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 spiritual, emotional and social wellbeing.

### **Little Yarra Steiner School's Pastoral Care Practices**

Little Yarra Steiner School is committed to providing a safe, supportive and social environment, where students feel nurtured as they learn.

To this end, we have developed, and continue to develop, a comprehensive range of pastoral care policies and procedures that are designed to promote the social and emotional wellbeing of our students. These include:

- ♦ The School recognises the importance of friendships and peer support in helping children and young people feel safe and be less isolated. We actively support students to develop and sustain friendships through documented formal programs. These programs include:
  - We are committed to ensuring that information and procedures to enable and to respond to child safety concerns raised by students 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 Protection Complaints Management](#).
  - We openly display contact details for independent child advocacy and child helpline services throughout the School.
  - The School delivers age-appropriate education to all students about:
    - healthy and respectful relationships (including sexuality, sexual relationships and consent)
    - resilience and coping with adversity



- child abuse awareness and their right to be safe
  - their right to make decisions about their body and their privacy
  - how they can raise concerns about safety, abuse or other harm
  - the fact that any concerns that they do raise will be taken seriously and responded to appropriately
  - our Child Safe Policy and Child Protection Codes of Conduct including our Student Child Protection Code of Conduct and other standards of behaviour for students.
- We make information about these topics, as well as other child safety and wellbeing topics, available to all students through various age-appropriate pastoral care initiatives as well as communications such as newsletters and the School's intranet. We also incorporate child safety and wellbeing topics into the School's curriculum.

For more information, refer to [Educating Students About Child Safety](#).

### **Educating Students About Child Safety**

Students may not disclose child safety incidents or concerns because they:

- feel uncomfortable doing so
- do not recognise behaviours as inappropriate, abusive or grooming behaviour; or
- do not know how to raise their concerns or make a complaint.

We have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

A central part of the School's strategy for creating and maintain a child safe environment is to provide age-appropriate information and education about child safety to all students, including:

- healthy and respectful relationships (including sexuality, sexual relationships and consent)
- resilience and coping with adversity
- child abuse awareness and prevention, and their right to be safe
- their right to make decisions about their body and their privacy
- cyber safety
- how they can raise child safety incidents and concerns
- the School's response to child safety incidents and concerns, making clear that it will take any concerns that students raise seriously and will respond appropriately
- the Child Safe Policy and Child Safe Code of Conduct
- standards of behaviour for students attending the School

### **Standards of Behaviour for Students Attending the School**

The School has developed a Student Code of Conduct that includes standards of behaviour for all students attending the School. We promote the Code within the School and we encourage students to provide feedback on the Code.

The School has also developed policies on [Bullying Prevention and Intervention](#), [Social Media – Student Usage](#) and [Harassment Policy \(Student Against Student\)](#). For more information, refer to our Student Duty of Care Program..

Students who do not uphold the standards of behaviour outlined in the Student Code of Conduct and in our anti-bullying, harassment and social media policies are subject to disciplinary procedures but are also supported by the School to mitigate behaviours that are not in line with the Code and address any underlying factors.

Students are encouraged to tell a trusted adult, whether it's a parent/carer or other family member, a trusted teacher or a Child Safe Officer, when they feel unsafe or are impacted by the behaviour of other students.

## Healthy and Respectful Relationships and Resilience

The School includes, as part of its curriculum, the teaching of healthy and respectful relationships, including sexuality, sexual relationships and consent, to assist students to grow and develop into healthy, mature adults, capable of realising their full potential.

Healthy and respectful relationships at the School is:

- imparted in the context of moral teachings, leading to the formation of a healthy and appropriate 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 Board.

Little Yarra Steiner School recognises that building resilience (the ability to cope and thrive in the face of negative events, challenges or adversity) has a positive impact on students' social and academic outcomes and is particularly critical for students who may be impacted by abuse. The School includes, as part of its curriculum, the teaching of skills and information relating to resilience.

## Child Abuse Awareness and Prevention

The School provides age-appropriate information and 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 School considers best practice when providing access to or selecting providers of child abuse and harm prevention education.

The School openly displays contact details for independent child advocacy and child helpline services throughout the School.

## Family and Community Involvement, Cultural Safety and Equity-Diversity

This section of the Child Protection Program sets out the strategies, policies, procedures and practices that the School uses to encourage the participation of and to partner with families and relevant communities in creating a child safe environment, to create a culturally safe environment for Aboriginal and Torres Strait Islander students, and to uphold equity and respect diversity at the School:

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

These policies and procedures must be read in conjunction with:

- [Participation and Empowerment of Students](#) which details additional measures that the School takes to encourage, enable and empower students in particular, as members of the School community with additional participation needs, to participate in decisions that affect them
- [Child Protection Complaints Management](#)
- [Regular Reviews and Continuous Improvement](#) which details additional measures that the School takes to enable students, families and other members of the School community to participate in reviews of and improvements to our child safety and wellbeing policies and procedures.

## Source of Obligation

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, Clause 8 of Ministerial Order 1359 requires the Board to develop a policy, statement or other documentation that details the strategies and actions the School will take to ensure that:

- families participate in decisions relating to child safety and wellbeing affecting their child
- the School engages and openly communicates with families and the School community about its child safe approach, and relevant information is accessible
- families and the School community have a say in the development and review of the School's policies and practices relating to child safety and wellbeing.
- families, carers and the School community are informed about the School's operations and governance related to child safety and wellbeing.

Standards 1 and 5 of the Victorian Child Safe Standards require the School to establish a culturally safe environment for Aboriginal and Torres Strait Islander children and young people, and to uphold equity and respect diversity in policy and practice. To meet these Standards, Ministerial Order 1359 requires the Board to develop and endorse policies or statements that detail the strategies and actions that the School will take to ensure that:

- a child's or student's ability to express their culture and enjoy their cultural rights is encouraged and actively supported

- strategies are embedded within the School which equip school staff, students, Volunteers and the School community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and students
- measures are adopted by the School to identify, confront and not tolerate racism within the School environment and that any instances of racism are addressed with appropriate consequences
- the School actively supports and facilitates participation and inclusion by Aboriginal children and students and their families
- all of the School'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
- the School, including Staff and Volunteers, understands children and young people's diverse circumstances, and provides support and responds to vulnerable children and students
- 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 students with disability, students from culturally and linguistically diverse backgrounds, students who are unable to live at home, and lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTQI+) students
- the School pays particular attention to the needs of Aboriginal students and provides and promotes a culturally safe environment for them.

## **Approvals and Reviews of the Participation and Empowerment of Students Strategies, Policies and Procedures**

As required by Ministerial Order 1359, the Board has reviewed all of the strategies, policies and procedures in this section of the Child Protection Program.

They are regularly reviewed in accordance with the schedule set out in the Regular Reviews and Continuous Improvement section of the Child Protection Program.

the Board approves all changes to these policies and procedures that result from a review.

The policy sets out the policy administration information, including a record of the initial approval of the relevant policy/procedure in this section, the date of the next scheduled review and the dates of all other reviews and approvals.

### **Family and Community Involvement in Child Protection at the School**

Little Yarra Steiner School recognises that families are best placed to advise the School about their children's needs and capabilities, and can provide important information about practices and environments that are safe for their children. Similarly, 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.

To be a child safe environment, the School must have and implement a variety of strategies to ensure that all members of the School community understand and are involved in decisions about child safety and wellbeing at the School.

## Key Definition

### The School Community

The School community includes:

- students and their families
- Staff, Volunteers and Contractors •  
Little Yarra Steiner School
- the Board
- people from relevant communities (the variety of communities that are relevant to the School, 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 School operates.

The School has identified the following as relevant communities:

Wurrundjeri

### Little Yarra Steiner School's Practices

#### Accessible Information about Child Protection at the School

The School ensures that the School community knows about the School'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 Safe Policy
- Child Protection Codes of Conduct
- Procedures for Responding to and Reporting Child Safety Incidents or Concerns
- child safe program
- Complaints handling policy.

In addition to publishing relevant policies and procedures on our public website, and to the initiatives and strategies set out below, the School uses the following mechanisms to communicate the School's operations, governance and approach to child protection:

Insert Communication Methods

#### Family Participation in Decisions Affecting Their Child

the Board and the School recognise that parents and carers have the primary responsibility for the upbringing and development of their children. The School ensures that they participate in decisions affecting their children through:

- the following family involvement initiatives:

.

- procedures for informing parents/carers about child safety incidents or concerns that may involve their child or that involve the School or its Staff, Volunteers and Contractors (for more information, refer to [Communicating with Parents and Carers About Internal and External Reports](#), [Information Sharing Policy \(Child Protection\)](#) and [Information Sharing About Reportable Conduct](#))
- specific strategies for involving parents/carers in reviews of and improvements to our child safety and wellbeing policies and procedures, including:

Insert Involvement Strategies

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

## Community Involvement in Organisational Decisions

The School uses the following mechanisms to consult with the School community about organisational decisions and to involve them in reviews of child protection policies and procedures:

- the following community involvement initiatives:

parent surveys

- procedures for informing the School community about child safety incidents or concerns that involve the School or its Staff, Volunteers and Contractors (for more information, refer to [\(Child Protection\)](#))
- specific strategies for involving the School community in reviews of and improvements to our child protection policies and procedures, including:

Insert Strategies

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

For more information about how we consult with and involve particular communities relevant to our School, refer to [Aboriginal and Torres Strait Islander Students \(Child Protection\)](#), [Culturally and Linguistically Diverse Students \(Child Protection\)](#), [Students with Disability \(Child Protection\)](#), [LGBTQI+ Inclusion Policy](#), and [Regular Reviews and Continuous Improvement](#).

### Aboriginal and Torres Strait Islander Students (Child Protection)

Standard I of the Victorian Child Safe Standards requires Little Yarra Steiner School to establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.

Little Yarra Steiner School 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** 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 School.

## Key Definition

### Culturally Safe/Cultural Safety

“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.

### Little Yarra Steiner School's Practices

Little Yarra Steiner School 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.

Little Yarra Steiner School identifies, confronts and does not tolerate racism, and any instances of racism within the School environment are addressed with appropriate consequences.

It is our policy that:

- we identify children from Aboriginal and Torres Strait Islander backgrounds when they are enrolled at the School
- we employ appropriate strategies to ensure the safety of these children as required
- we encourage participation and empowerment of these children, their families and their communities in the development of these strategies
- we consider these children when developing and implementing policies and procedures related to child protection at the School
- we educate our Staff about the strengths of Aboriginal cultures, their importance to the wellbeing and safety of Aboriginal and Torres Strait Islander children and students, cultural safety and the strategies and procedures we have employed to create a culturally safe environment
- we recognise that approaches to parenting vary considerably across culturally diverse groups, however the safety of the student should always be the main consideration.

Some of the strategies and initiatives that Little Yarra Steiner School may implement to ensure that the School is a cultural safety environment for Aboriginal and Torres Strait Islander students include:

refer to RAP

### Students with Disability (Child Protection)

Little Yarra Steiner School recognises the importance of promoting understanding and acceptance of diversity, including disability, to create and maintain a child safe environment.

The School 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 School and considers how each policy and procedure the School establishes and implements may affect students with disability.

The School recognises that students with disability will not only require additional assistance to participate and engage in School 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 and young people 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.

## Little Yarra Steiner School's Practices

The School is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards (refer to our [Disability Discrimination Policy](<https://lyss.policyconnect.com.au/module/223/page/bb7fc05d-e452-49fd-a8a7-68920cd4e6dc.md>)).

The School 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.

Some of the strategies and initiatives that Little Yarra Steiner School may implement to ensure and promote the safety of students with disability include:

individual specific strategies as per IEP

### Students from Culturally and Linguistically Diverse Backgrounds (Child Protection)

Our School community includes people of many backgrounds, countries, ethnicities and languages. These families have experienced varied journeys, and some have experienced trauma, violence and harm.

## Key Definition

### 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.

## Little Yarra Steiner School's Practices



Little Yarra Steiner School values and respects the racial, 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.

Little Yarra Steiner School identifies, confronts and does not tolerate racism, and any instances of racism within the School environment are addressed with appropriate consequences.

It is our policy that:

- we identify children from culturally and linguistically diverse backgrounds when they are enrolled at the School
- we employ appropriate strategies to ensure the safety of these children as required
- we encourage participation and empowerment of these children in the development of these strategies
- we consider these children when developing and implementing policies and procedures related to child protection at the School
- we educate our Staff about these cultural differences and the strategies and procedures we have employed
- we recognise that approaches to parenting vary considerably across culturally diverse groups, however the safety of the student should always be the main consideration.

Some of the strategies and initiatives that Little Yarra Steiner School may implement to ensure and promote the safety of students from culturally and/or linguistically diverse backgrounds include:

strategies as per student IEPs

### **LGBTIQ+ Inclusion Policy**

Refer to our [LGBTQIA+ Inclusion Policy](#) in the School's Student Duty of Care Module.

## **Child Protection Complaints Management**

For the purposes of this Policy, we refer to School Staff, Volunteers or Contractors together as "Staff" or "staff members".

## **Key Definitions**

### **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 School.

A complaint can be made by anyone including a student, former student, parent/carer, other family member, staff member or member of the wider community.

### **Child Protection-Related Complaint**

For the purposes of this Policy, a "child protection-related complaint" includes any disclosure, allegation, suspicion, concern or internal report of:

- a breach of the School's [Child Protection Codes of Conduct](#)
- a [child safety incident or concern](#) alleged to have occurred, be occurring or be at risk of occurring at the School or a School event
- [Reportable Conduct](#)
- other staff misconduct (such as a procedural breach of the Child Protection Program)
- any complaint about the School's response to or management of a child safety incident or concern, including complaints alleging non-compliance with our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Background

Under Standard 7 of the Victorian Child Safe Standards, the School must have and implement child-focused processes for managing complaints and concerns. To meet this Standard, Ministerial Order 1359 requires the 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 School, or the behaviour of any person within the School
  - the roles and responsibilities of leadership, school 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 that 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.

A child-focused complaints handling process is important for helping students and others at the School make complaints, whether about child safety wellbeing or otherwise. This Policy supports the creation of a culture for students and their families to have their complaints heard, considered and responded to, and a culture of transparency in our complaints management processes.

It sets out how the School, as a child safe organisation:

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

This Child Protection Complaints Management Policy is communicated to and understood by students, Staff and parents/carers, and ensures that child protection-related complaints are handled in a timely, fair and transparent manner.

This Policy is summarised in our public-facing child safe program. In our public-facing Complaints handling policy, we include details about how to make a Child Protection complaint.

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

## Child-Focused and Culturally Safe Complaints Handling

The School's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is child-focused, and follows the National Office for Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](<https://chilfsafety.pmc.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>) and the Commission for Children and Young People's [Including Children and Young People in Reportable Conduct Investigations resources](<https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/including-children-and-young-people-in-reportable-conduct-investigations/>).

The School's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is culturally safe. We consult with relevant communities (the variety of communities that are relevant to the School, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and other communities that make up our Staff and student cohort) about how to enable, support and respond to complaints in a culturally sensitive way.

## Responsibilities for Child Protection Complaints Management

The Principal is responsible for ensuring the efficient and effective organisation, management and administration of the School's complaints handling processes.

All Staff are responsible for

- responding appropriately to a student who raises or is affected by a child protection-related complaint
- understanding their internal and external reporting requirements relevant to child protection-related complaints and for complying with this Policy.

Child Safe Officers and the Principal are responsible for:

- providing assistance and advice to Staff about their obligations under this Policy
- ensuring that the School takes all child protection-related complaints seriously, and escalates, reports and responds to these appropriately
- ensuring that the School responds appropriately to a student who raises or is affected by a child protection-related complaint
- promptly and thoroughly managing the School's response to child protection-related complaints as set out below
- monitoring the School's compliance with this Policy.

Where a particular child protection-related complaint involves the Principal and they therefore cannot perform the above roles, the Assistant Principal undertakes these responsibilities.

## Making a Child Protection-Related Complaint

The School has developed complaints handling processes, to enable:

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

These are:

1. **Anyone** can, at any time, make a child protection-related complaint to:

- the Principal
- a Child Safe Officer
- a trusted staff member

in person, in writing or over the phone.

Non-child protection-related complaints should be made to the Principal.

2. **Parents/carers, family members and other community members** who have child protection concerns or who wish to make a child protection-related complaint about the School, its students or staff members are asked to follow the procedures set out in our Child Safe Policy and to contact:

- the School's Senior Child Safety Officer, John Stewart, by phoning 59671953 or emailing [jstewart@lyss.vic.edu.au](mailto:jstewart@lyss.vic.edu.au), or the Principal; or
- if the concern relates to the Principal, the Assistant Principal by phoning 5967 1953.

3. **Students** have multiple pathways to make a complaint, including child protection-related complaints, at the School.

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. 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 School contact page which is located on the LYSS website 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 DFFH.

## Responding to a Child Protection-Related Complaint

### Support for Complainants

Whenever a staff member receives a complaint containing information about child safety incidents or concerns, the staff member must offer the complainant and any student involved in the complaint (if they are not the complainant) age and culturally appropriate support and assistance under our [Support Following Child Safety Incident or Disclosure] (<https://lyss.policyconnect.com.au/module/262/page/cc5f596a-8785-454d-8ce3-e180f87fdb37.md>) policy. The School will also support students, families and relevant Staff involved in a child protection-related complaint as set out in that policy.

### Internal and External Reporting

All Staff **must** follow the School's Procedures for Responding to and Reporting Child Safety Incidents or Concerns 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 School or a School event, or from a staff member. This includes in particular:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Duty to Protect/Failure to Protect](#)
- [Mandatory Reporting to Child Protection](#)
- [Non-Mandatory Reporting to Child Protection](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teachers](#)

Our internal reporting and Reportable Conduct policies require all Staff to report any child protection-related complaint that is made to them to a Child Safe Officer or the Principal in addition to making any required external reports. If a complaint is about the Principal, the complaint must be referred to the Board Chair.

## How the School Manages Child Protection-Related Complaints

The School manages child protection-related complaints as follows:

### **Child protection-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 Protection Program**

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

1. complaints involving, or raising the possibility of a risk of, [child abuse or other harm](#) occurring at the School or a School event, or by a staff member, Volunteer or Contractor
2. complaints alleging a breach of the Child Protection Codes of Conduct that involves, or raises the possibility of a risk of, [child abuse or other harm](#) by a staff member, Volunteer or Contractor.

These kinds of child protection-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Board Chair) to be managed pursuant to relevant policies and procedures in the Child Protection Program.

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

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, [Reportable Conduct](#), [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#), [Mandatory Reporting to Child Protection](#), [Reporting to Police](#) and [Duty to Protect/Failure to Protect](#).

### **Other child protection-related complaints that are managed under the Child Protection Program**

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

1. complaints about the School'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 School, when responding to a specific incident of, or concern about, child abuse and other harm to a child, has not correctly followed the School'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 policies)
3. complaints that the School has not correctly followed legislative or regulatory requirements regarding child protection 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 protection-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Board Chair) to be managed pursuant to relevant policies and procedures in the Child Protection Program.

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

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, [Disciplinary Actions \(Child Protection\)](#), [Child Protection Program Breach Management](#) and [Regular Reviews and Continuous Improvement](#).

## **Child protection-related complaints that may be managed under other School policies and procedures**

The following child protection-related complaints may be managed pursuant to other relevant School policies:

1. complaints alleging a breach of the Child Protection 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, Volunteer or Contractor (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 Protection 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 Protection 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 protection-related complaints may be managed pursuant to other relevant School policies, the Principal or other person managing the complaint should – where appropriate - consult with a Child Safe Officer as part of the investigation.

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

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, our Complaints handling policy.

## **Guidance and Resources for Managing Child Protection-Related Complaints**

The Complaints handling policy 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](#) and [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#) policies set out procedures that will be followed for complaints about inappropriate conduct by Staff.

## Reviews of Child Protection-Related Complaint Outcomes

### Internal Reviews

Complainants or other persons who are involved in the child protection-related complaint (for example, a staff member whose behaviour is the subject of the complaint, a student who is the victim of the alleged behaviour or the parent/carer of a student involved in the complaint) and who are not satisfied with the management of a child protection-related complaint or its outcome may request an internal review of:

- the 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 Principal.

## Record Keeping about Child Protection-Related Complaints

Because of the confidentiality and privacy issues that arise with respect to child protection-related complaints, records of complaints that contain information about child safety incidents or concerns are not held within our general complaints handling record keeping system.

Child protection-related complaints are instead recorded under our [Child Protection Record Keeping](#) policy.

## General Reviews of Child Protection Complaints Management

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

In particular, the School and the Board regularly analyse child protection-related complaints to identify causes and systemic failures to inform continuous improvement.

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

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

## Child Protection Program Compliance, Review and Improvement

To ensure that the School is continuously complying with the Victorian Child Safe Standards, we have developed a series of policies and procedures relating to compliance, review and improvement of our Child Protection Program.

These include:

- [Compliance with Child Safe Standards and Ministerial Order 1359](#)
- [Child Protection Program Breach Management](#)
- [Regular Reviews and Continuous Improvement.](#)

## Source of Obligation

- Victorian Child Safe Standards, Standards 2, 10 and 11
  - Ministerial Order 1359, Clause 14

## Approvals and Reviews of the Policies and Procedures for Child Protection Program Compliance, Review and Improvement

Either the Board or a relevant staff member at the School, depending on the requirements of Ministerial Order 1359, has approved the policies and procedures in this section of the Child Protection Program.

They are regularly reviewed in accordance with the schedule set out in the Regular Reviews and Continuous Improvement section of the Child Protection Program.

All changes to these policies and procedures that result from a review are approved by the appropriate person.

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

## Compliance with Child Safe Standards and Ministerial Order 1359

Little Yarra Steiner School has established and implemented our Child Protection Program in accordance with the Victorian Child Safe Standards and Ministerial Order 1359.

This section of the Child Protection Program details exactly which parts of the Child Protection Program meet which aspects of these Child Safe Standards and Ministerial Order 1359.

## Victorian Child Safe Standards and Ministerial Order 1359

The School 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 align closely, but not directly, with the National Principles for Child Safe Organisations (National Principles). 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 No. 1359 which prescribes certain matters with which registered schools in Victoria must comply, as part of their registration requirements, in order to meet the Victorian Standards.

The Victorian Registration and Qualifications Authority (VRQA) monitors and enforces compliance with the Victorian Child Safe Standards and Ministerial Order 1359 for all registered schools in Victoria.

Victorian Child Safe Standard	Summary of Relevant Ministerial Order 1359 Requirement	National Principle	How Little Yarra Steiner School Complies with the Standard/Requirement/Principle
<p><u>Standard 1:</u> Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.</p>	<p><u>Clause 5:</u> To comply with this Standard, the School’s governing authority must develop and endorse a policy or statement that details the strategies and actions the School will take to ensure that:</p> <p>(a) a child’s or student’s ability to express their culture and enjoy their cultural rights is encouraged and actively supported</p> <p>(b) strategies are embedded within the School which equip “school staff”, students, Volunteers and the School community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and students</p> <p>(c) measures are adopted by the School to identify, confront and not tolerate racism within the School environment and that any instances of racism are addressed with appropriate consequences</p>	<p><u>See Standard 4</u></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/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Aboriginal and Torres Strait Islander Students (Child Protection)</u></li> <li>• <u>Child Safe Policy</u> (in particular, Valuing Diversity in the School Community)</li> </ul> <p>(Other evidence/documents meeting other aspects of this Standard/Principle)</p> <p>Disability Discrimination Policy and Procedures</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Training</u></li> <li>• <u>Regular Reviews and Continuous Improvement</u></li> <li>• Reconciliation Action Plan</li> </ul>

	<p>(d) the School actively supports and facilitates participation and inclusion by Aboriginal children and students and their families</p> <p>(e) all of the School’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>		
<p><b>Standard 2:</b> Child safety and wellbeing is embedded in organisational leadership, governance and culture.</p>	<p><b>Clause 6:</b></p> <p>To comply with this Standard, the School’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"> <li>♦ the School’s commitment to child safety</li> <li>♦ the actions the School will take to ensure a child safe culture is championed and modelled at all levels of the School</li> <li>♦ the governance arrangements at the School for ensuring the policy is implemented at all levels</li> <li>♦ the processes by which the School’s governing authority will review its child safe practices</li> </ul> <p>(b) develop, endorse and make publicly available a Child Safety Code of Conduct that:</p>	<p><b>Principle 1: Committed Leadership, Governance and Culture</b></p> <p>Child safety and wellbeing is embedded in organisational 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/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Safe Policy</a></li> <li>• <a href="#">Child Protection Codes of Conduct</a></li> <li>• <a href="#">Child Protection Risk Management</a></li> <li>• <a href="#">Child Protection Record Keeping</a></li> <li>• <a href="#">Information Sharing Policy (Child Protection)</a></li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• the appointment of one or more senior staff members as the School’s <a href="#">Child Safe Officers</a></li> <li>• the development of this Child Protection Program as a whole, but in particular (and in addition</li> </ul>

- has the objectives of promoting child safety and wellbeing in the School’s environment
- provides guidelines for “school 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 School’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 School environment
- take into account the nature of the School’s environments, the activities 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

to the above policies and procedures):

- [Child Protection Responsibilities](#)
- [Child Protection Human Resources Management](#)
- [Responding to and Reporting Child Safety Incidents or Concerns](#)
- [Child Protection Risk Management](#)
- [Regular Reviews and Continuous Improvement](#)
- [Child Protection Training](#)
- child safety and wellbeing is a standing agenda item for all relevant meetings, including regular School Management, Board of Directors and staff meetings
- the use of CompliSpace Assurance.

	<p>(d) where risks of child abuse occurring in the School are identified, make a record of those risks and the risks’ controls and treatments</p> <p>(e) monitor and review the risks related to child safety and wellbeing annually, including evaluating the effectiveness of the implementation of risk controls</p> <p>(f) create, maintain and dispose of records relevant to child safety and wellbeing in accordance with Public Record Office Victoria Record Keeping Standards</p> <p>(g) develop a policy or statement that details the processes the School has in place to meet the Public Record Office Victoria Record Keeping Standards</p> <p>(h) ensure that “school staff” and Volunteers understand their obligations on Information sharing and record keeping.</p>		
<p><b>Standard 3:</b> Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.</p>	<p><b>Clause 7:</b></p> <p>To comply with this Standard, the School’s governing authority must develop curriculum planning documents or other documentation that details the strategies and actions the School will take to ensure that:</p> <p>(a) children and students are informed about all of their rights, including to safety, information and participation</p>	<p><b>Principle 2: Children and Young People are Safe, Informed and Participate in the Organisation</b></p> <p>Children and young people are informed about their rights,</p>	<p>The following policies and procedures (and their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Participation and Empowerment of Students</u> including:             <ul style="list-style-type: none"> <li>• A Child-Friendly Culture</li> </ul> </li> </ul>

	<p>(b) the importance of friendships is recognised and support from peers is encouraged, to help children and students feel safe and be less isolated</p> <p>(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</p> <p>(d) the School has strategies in place to develop a culture that facilitates participation and is responsive to the input of children and students</p> <p>(e) the School 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>	<p>participate in decisions affecting them and are taken seriously</p>	<ul style="list-style-type: none"> <li>• Child Protection Pastoral Care</li> <li>• Educating Students About Child Safety</li> <li>♦ Child Safe Policy</li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• We have, and provide to students, child-friendly versions of the following:             <ul style="list-style-type: none"> <li>• all policies as required</li> </ul> </li> <li>• <u>Student Child Protection Code of Conduct</u></li> <li>• <u>Family and Community Involvement, Cultural Safety and Equity/Diversity</u>, including:             <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander Students (Child Protection)</li> <li>• Students from Culturally and Linguistically Diverse Backgrounds (Child Protection)</li> <li>• Students with Disability (Child Protection)</li> <li>• LGBTIQ+ Inclusion Policy,</li> </ul> </li> <li>• Student Duty of Care including:             <ul style="list-style-type: none"> <li>• <u>Bullying Prevention and Intervention</u></li> <li>• <u>Harassment (Student against Student)</u></li> <li>• <u>Cyber Safety</u></li> <li>• <u>Social Media – Student Usage</u></li> </ul> </li> <li>• <u>Child Protection Training</u></li> <li>• <u>Regular Reviews and Continuous Improvement</u></li> </ul>
<p><b>Standard 4:</b> Families and communities are informed, and</p>	<p><b>Clause 8:</b></p>	<p><b>Principle 3:</b> <b>Families and</b></p>	<p>The following policies and procedures (and, where relevant, their</p>

<p>involved in promoting child safety and wellbeing.</p>	<p>To comply with this Standard, the School’s governing authority must develop a policy, statement or other documentation that details the strategies and actions the School 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 School engages and openly communicates with families and the School community about its child safe approach, and relevant information is accessible</p> <p>(c) families and the School community have a say in the development and review of the School’s policies and practices relating to child safety and wellbeing</p> <p>(d) families, carers and the School community are informed about the School’s operations and governance related to child safety and wellbeing.</p>	<p><b>Communities Involved in Safety Settings</b></p> <p>Families and communities are informed, and involved in promoting child safety and wellbeing</p>	<p>communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <a href="#">Family and Community Involvement in Child Protection at the School</a></li> <li>• <a href="#">Child Safe Policy</a> (in particular, Parents/Carers, Families and Community Involvement at the School)</li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• We publish the following documents on our public website:             <ul style="list-style-type: none"> <li>• public-facing Complaints handling policy</li> <li>• public-facing Procedures for Responding to and Reporting Child Safety Incidents or Concerns</li> <li>• public-facing child safe program</li> </ul> </li> <li>• <a href="#">Child Protection Complaints Management</a></li> <li>• <a href="#">Sharing Information Relating to a Student’s Safety or Wellbeing</a></li> <li>• <a href="#">Regular Reviews and Continuous Improvement</a></li> </ul>
<p><b>Standard 5:</b> Equity is upheld and diverse needs respected in policy and practice.</p>	<p><b>Clause 9:</b></p> <p>To comply with this Standard, the School’s governing authority must develop and endorse a policy, statement or curriculum</p>	<p><b>Principle 4:</b> <b>Equity Upheld and Diversity Respected</b></p>	<p>The following policies and procedures (and where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p>

	<p>document that details the strategies and actions the School will take to ensure that:</p> <p>(a) the School, including Staff and Volunteers, understands children and young people’s diverse circumstances, and provides support and responds to vulnerable children and students</p> <p>(b) 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</p> <p>(c) the School pays particular attention to the needs of students with disability, students from culturally and linguistically 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 School pays particular attention to the needs of Aboriginal students and provides and promotes a culturally safe environment for them.</p>	<p>Equity is upheld and diverse needs respected in policy and practice.</p>	<p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Child Safe Policy</u> (in particular, Valuing Diversity in the School Community and Support for Students, Families and Staff Following Child Safety Incident or Disclosure)</li> <li>• <u>Support Following Child Safety Incident or Disclosure</u></li> <li>• <u>Aboriginal and Torres Strait Islander Students</u> (Child Protection)</li> <li>• <u>Students from Culturally and Linguistically Diverse Backgrounds</u> (Child Protection)</li> <li>• <u>Students with Disability</u> (Child Protection)</li> <li>• <u>LGBTIQ+ Inclusion Policy</u></li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <p>Disability Discrimination Policy and Procedures</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Training</u></li> <li>• <u>Regular Reviews and Continuous Improvement</u></li> </ul>
<p><b>Standard 6:</b> People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</p>	<p><b>Clause 10:</b></p> <p>To comply with this Standard, the School’s governing authority must ensure that:</p> <p>(a) recruitment advertisements for “school staff” who will be</p>	<p><b>Principle 5:</b></p> <p><b>Robust Recruitment and Screening</b></p> <p>People working with children and</p>	<p>The following policies and procedures (and where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p>

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

(b) all applicants for jobs involving “child-connected work” are informed about the School’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” to perform “child-connected work”, the School’s governing authority:

- sights and verifies the person’s WWCC clearance, if the person is required to have one by the Worker Screening Act, or any equivalent background check
- collects and records:
  - proof of identity
  - information about essential or relevant

young people are suitable and supported to reflect child safety and wellbeing values in practice

(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)

- Child Protection Human Resources Management, including:
  - Child Protection Recruitment, Screening and Suitability Assessment
  - Working with Children Checks
  - Child Protection Training, Supervision, Performance Monitoring and Professional Development
  - Disciplinary Actions (Child Protection)
- Child Protection Record Keeping

(other evidence/aspects of this Standard in each relevant Child Safe Standard)

- WWC Check Register
- Child Protection Learning Course
- CompliLearn Training Records
- general Human Resources Records



	<p>professional or other qualifications</p> <ul style="list-style-type: none"> <li>• child-related work history</li> <li>• references that address suitability for the job and working with children</li> </ul> <p>(e) “school staff”, members of the School’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:</p> <ul style="list-style-type: none"> <li>• information on the child safety code of conduct</li> <li>• if relevant to their role, the child safety and wellbeing policy and the procedures for managing complaints and concerns related to child abuse</li> </ul> <p>(f) “school staff”, members of the School’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.</p> <p>(g) ongoing supervision and people management of Staff and Volunteers focuses on child safety and wellbeing.</p>		
<p><b>Standard 7:</b> Processes for complaints and</p>	<p><b>Clause 11:</b></p>	<p><b>Principle 6:</b> <b>Effective</b></p>	<p>The following policies and procedures (and where relevant, their</p>

concerns are child focused.

To comply with this Standard, the School's governing authority must:

(a) develop and make publicly available a complaints handling policy that is accessible, child-focused, culturally safe and easily understood by the School community, and that clearly outlines:

- the process for making a complaint about the School or the behaviour of any person within the School
- the roles and responsibilities of leadership, "school 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:

- 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

## **Complaints Management**

Processes to respond to complaints and concerns are child focused

communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:

(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)

- [Child Protection Complaints Management](#)
- [Responding to and Reporting Child Safety Incidents or Concerns](#)
- [Child Protection Record Keeping](#)

To make these policies publicly available, accessible, and easily understood, we publish the following additional documents on our public website:

- Complaints handling policy
- public-facing Procedures for Responding to and Reporting Child Safety Incidents or Concerns
- public-facing child safe program

To make these policies accessible and easily understood by students, we have, and provide to students, child-friendly versions of the following:

- all policies as required

(other evidence/documents meeting other aspects of this Standard/Principle)

- [Child Protection Training](#)
- [Regular Reviews and Continuous Improvement](#)

(c) have a clear procedure or set of procedures for responding to 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 School community
- be made publicly available
- be accessible to children, students Staff, Volunteers and the School community
- apply to complaints and concerns relating to child abuse made by or in relation to a child or student, “school staff”, Volunteers, Contractors, service providers, Visitors or other persons while connected to a School environment
- identify the roles and responsibilities of “school 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 School’s response
  - responding appropriately to a child or student who raises or is affected by the complaint or concerns

- monitoring overall compliance of the School with the procedure
- managing an alternative procedure for responding if any person allocated responsibility 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 a child is at risk of child abuse
- clearly describe the actions the School 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 School's response

The procedure in (c) above must not:

	<ul style="list-style-type: none"> <li>• prohibit or discourage “school staff” or Volunteers from external reporting</li> <li>• state or imply that it is the victim’s responsibility to inform police or other authorities</li> <li>• require “school staff” or Volunteers to make a judgment about the truth of a complaint or concerns of child abuse</li> <li>• prohibit “school staff” or Volunteers from making records in relation to a complaint or concerns.</li> </ul>		
<p><b>Standard 8:</b> 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><b>Clause 12:</b></p> <p>To comply with this Standard, the School’s governing authority must:</p> <p>(a) ensure that, at least annually, “school 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>(c) consider whether it is reasonable and necessary to include training for Volunteers on a number of specific topics</p>	<p><b>Principle 7:</b></p> <p><b>Ongoing Education and Training</b></p> <p>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>The following policies and procedures (and where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Training</u></li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• <u>Responding to and Reporting Child Safety Incidents or Concerns</u></li> <li>• <u>Child Protection Codes of Conduct</u></li> <li>• <u>Definitions and Key Indicators of Child Abuse and Other Harm</u></li> <li>• <u>Child Protection Record Keeping</u></li> <li>• <u>Child Protection Responsibilities</u></li> </ul>

	<p>(d) ensure that “school 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 School governing authority receive training and information on child safety that includes a number of specific topics.</p>		
<p><u>Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.</u></p>	<p><u>Clause 13:</u></p> <p>To comply with this Standard, the School’s governing authority must:</p> <p>(a) ensure that the School’s child safety and wellbeing policies, procedures and practices enable “school staff” and Volunteers to identify and mitigate risks in the 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 consistent with the School’s child safety and wellbeing policy and the child safety code of conduct</p> <p>(c) ensure that the School’s procurement policies for facilities and services from third parties ensure the safety of children and students.</p>	<p><b>Principle 8: Safe Physical and Online Environments</b></p> <p>Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Risk Management</u></li> <li>• Parent, staff and student Codes of Conduct</li> <li>• A child safe Procurement Policy</li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Codes of Conduct</u></li> <li>• <u>Child Protection Training</u></li> <li>• <u>Regular Reviews and Continuous Improvement</u></li> </ul>

<p><b>Standard 10:</b> Implementation of the Child Safe Standards is regularly reviewed and improved.</p>	<p><b>Clause 14:</b> To comply with this Standard, the School's governing authority must:</p> <p>(a) review and evaluate the School's child safety and wellbeing policies, procedures and practices:</p> <ul style="list-style-type: none"> <li>• <i>after any significant child safety incident</i></li> <li>• <i>or least every two years</i></li> </ul> <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", Volunteers, the School community, families and students.</p>	<p><b>Principle 9: Regular Improvement</b> Implementation of the national child safe principles is regularly reviewed and improved</p>	<p>The following policies and procedures (and where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <p>(MO 1359 documents; also meet aspects of this Standard/Principle in each relevant Child Safe Standard)</p> <ul style="list-style-type: none"> <li>• <u>Regular Reviews and Continuous Improvement</u></li> </ul> <p>(other evidence/documents meeting other aspects of this Standard/Principle)</p> <ul style="list-style-type: none"> <li>• <u>Child Protection Risk Management</u></li> <li>• <u>Child Protection Record Keeping</u></li> <li>• CompliSpace Assurance</li> </ul>
<p><b>Standard 11:</b> Policies and procedures document how the organisation is safe for children and young people.</p>	<p><b>Clause 15:</b> To comply with this Standard, the School'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>	<p><b>Principle 10: Child Safety and Wellbeing Policies and Procedures</b> Policies and procedures document how the organisation is safe for children and young people</p>	<p>The following policies and procedures (and where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard and Principle:</p> <ul style="list-style-type: none"> <li>• the Child Protection Program as a whole</li> <li>• CompliSpace Assurance.</li> </ul>

- |  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"><li>• address all Child Safe Standards</li><li>• are understood and implemented by “school staff”, the School’s governing body and Volunteers</li><li>• are championed and modelled by leaders</li><li>• are documented and easy to understand</li><li>• are informed by best practice models and stakeholder consultation.</li></ul> |  |
|--|---|--|

## Child Protection Program Breach Management

Little Yarra Steiner School has developed an action plan for managing procedural breaches of our Child Protection Program, as well as breaches of our [Child Protection Codes of Conduct](#), in a fair and supportive manner.

## Scope

The Child Protection Program Breach Management policy applies to:

- the Principal and the School Management
- all staff members, including non-teaching Staff and temporary or casual Staff
- all Volunteers
- all Contractors (including External Education Providers)
- teaching students on placement at the School
- Visitors (including parents/carers and other adult family members of students).

For the purposes of the Breach Management policy, we refer to these together as “the School community”.

## Procedural Breaches

### What is a Procedural Breach of Our Child Protection Program?

A procedural breach of the School’s Child Protection Program includes any action or inaction by a member of the School community that fails to comply with procedural aspects of Little Yarra Steiner School's Child Protection Program.

Procedural breaches include, but are not limited to:

- [Child Protection Human Resources Management](#)
- [Responding to and Reporting Child Safety Incidents or Concerns](#)
- [Sharing Information Relating to a Student’s Safety or Wellbeing](#)



Many, but not all, procedural breaches of the Child Protection Program would also be a breach of legal obligations under Victorian law.

For example, failing to make a Mandatory Report (of Sexual Offences Against Children) to Police under [Reporting to Police](#) or to Child Protection under [Mandatory Reporting to Child Protection](#) would be both a procedural breach as well as an offence under Victorian law.

On the other hand, failing to make a report to Child Protection under [Non-Mandatory Reporting to Child Protection](#) does not breach any legal obligations, but would still be a breach of policy under the Department of Education, 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](#) and of the Child Protection Program.

The kinds of disciplinary actions that could be taken for a procedural breach depend on the category of the breach, not on whether the breach is also a breach of a legal obligation. However, procedural breaches that are also a breach of legal obligations would generally fall into the moderate or severe categories of breach.

## How to Report a Procedural Breach

Any member of the School community may contact a Child Safe Officer to report or make a complaint about a procedural breach of the School's Child Protection Program. Their contact details can be found [here](<https://ce-viewer.com/module/262/page/8f8ab6cf-5f92-4615-82a8-2664cf1dea22.md>).

Breaches can also be reported to the Principal or, if the alleged breach is by the Principal, to the Assistant Principal.

Staff, Volunteers or Contractors are encouraged to use the [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#), as a starting point for documenting information regarding a breach of the School's Child Protection Program. The Form's questions should in no way limit an individual's report of information regarding a breach of the Program. All available information should be recorded and reported.

All Child Protection Program Breach Reporting Forms should be submitted to the Principal or a Child Safe Officer as soon as practicable.

Students can raise breaches of the Program through the [Child Protection Complaints Management](#) policy.

Parents/carers, family members and other community members can raise breaches of the Program through the processes set out in our [Child Safe Policy](#).

## The School's Process for Managing Procedural Breaches

Procedural breaches of the Child Protection Program will be managed by the Principal in consultation with the School's Child Safe Officers, and Principal where necessary.

## Breaches of Our Child Protection Codes of Conduct

Our [Child Protection Codes of Conduct](<https://lyss.policyconnect.com.au/module/262/page/2e70de43-5042-491d-94c0-999c6164ace9.md>) set out expected behaviours for all members of the School community. Any and all breaches of the

Child Protection Codes of Conduct are considered a child safety incident.

## **Breaches of the Student Code of Conduct**

Breaches of the [Student Code of Conduct](<https://lyss.policyconnect.com.au/module/262/page/7aea7652-08cb-40b1-a154-5e147d93d36a.md>) by students are dealt with pursuant to our Behaviour Management Policy.

## **Breaches of the Child Safe Code of Conduct by Parents/Carers, Family Members and Visitors**

Breaches of the [Child Safe Code of Conduct](<https://lyss.policyconnect.com.au/module/262/page/9cf92f3a-7ac5-4c44-8dd3-f5ee61b68cf0.md>) by parents/carers, family members and Visitors are managed by the Principal in consultation with the School's Child Safe Officers where necessary.

## **Breaches of the Child Protection Codes of Conduct by Staff, Volunteers and Contractors**

Many, but not all, breaches of the Child Safe Code of Conduct and [Staff and Student Professional Boundaries] (<https://lyss.policyconnect.com.au/module/262/page/12e961a2-6474-4dc4-a7f6-942c6d5dc919.md>) by Staff, Volunteers or Contractors would be Reportable Conduct.

To ensure procedural fairness and to maintain the safety of students, all breaches of the Child Protection Codes of Conduct by Staff, Volunteers and Contractors are managed pursuant to the procedures set out in Reportable Conduct. Where a breach is alleged to involve Reportable Conduct, it must be reported to the Commission for Children and Young People under those policies and procedures.

## **Categories of Procedural Breach/Breach of the Child Protection Codes of Conduct and Possible Outcomes for Staff, Volunteers or Contractors**

Procedural breaches of the School's Child Protection Program and breaches of the Child Protection Codes of Conduct will vary in severity. As such, the outcome of a breach will vary depending on the classification of the breach.

The Principal, in consultation with the School's Child Safe Officers and Principal may deviate from the specified action for a breach of the Program where there are exceptional or unique circumstances.

## **Possible Outcomes of Breaches of the Child Protection Codes of Conduct by Parents/Carers and Visitors**

Where a member of the School community who is not a staff member, Volunteer or Contractor breaches our Child Safe Code of Conduct, the School will take appropriate action, including (but not limited to):

- providing additional information to the person about appropriate and/or inappropriate behaviour
- requiring the person to give undertakings about engaging in appropriate behaviour or ceasing inappropriate behaviour when they are in a School environment
- a staff member supervising the person when they are in a School environment
- in the case of serious breaches:
  - making an external report about the person to the Department of Families, Fairness and Housing (Child Protection) and/or the Police; and/or

- prohibiting the person from being in a School environment.

## Record Keeping About Breaches and Outcomes

### Procedural Breaches

Little Yarra Steiner School ensures that the following information relating to procedural breaches of the Child Protection Program, that do not involve a child safety incident or concern, are recorded and stored for at least seven years:

- name of the reporter and the name and position of the person who received the report
- the date the report was initially received and, if different, the date it was reported to the Principal
- the names of the parties involved in the breach
- a description of the procedural breach
- the outcome of any investigation that took place
- action taken by the School.

### Breaches of the Child Protection Codes of Conduct

Records of breaches that involve a child safety incident or concern, including breaches of the Child Protection Codes of Conduct, are managed according to our [Child Protection Record Keeping](<https://ce-viewer.com/module/262/page/f384f240-841a-4f8b-92df-c812409af566.md>) policy.

### Regular Reviews and Continuous Improvement

### Source of Obligation

Standard 10 of the Victorian Child Safe Standards (Victorian Standards) requires Little Yarra Steiner School to regularly review and improve its implementation of the Victorian Standards.

To meet this Standard, clause 14 of Ministerial Order 1359 requires the Board to periodically review and evaluate the School'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 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,Volunteers**, the School community, families and students.

Standards 3 and 4 of the Victorian Standardsrequire the School to inform students, parents/carers and relevant communities about and give them a say in these reviews.

This section of the Child Protection Program sets out the School's policies, procedures and systems for reviewing and improving our Child Protection Program and its implementation.

## Reviews of the Child Protection Program

### Regular Reviews

the Board reviews Little Yarra Steiner School's Child Protection Program every two years, following the Review Procedures below.

The School actions all incremental improvements to our child protection policies and procedures that result from these reviews.

### Additional Reviews

the Board reviews individual child protection policies and procedures relevant to Ministerial Order 1359 ahead of this schedule, following the Review Procedures below:

- in the event of a consistent issue being regularly raised in complaints and/or other feedback from the School community
- in the event of a change in law, regulation or best practice
- following a significant child safety incident or concern occurring at or involving the School.

If an Additional Review is triggered by a significant child safety incident or concern, occurring at or involving the School, the review must include a systemic review and/or a root cause analysis.

The School actions all incremental improvements to our child protection policies and procedures that result from these reviews.

### Review Procedures

**\*\*All reviews\*\*** include:

- ensuring legal and regulatory compliance
- avenues for students, families, Staff, Volunteers, Contractors and relevant communities to participate and provide feedback on the Child Protection Program.

**When reviewing the Program every two years**, the Board considers, at a minimum:

- the level of internal compliance with the Child Protection Program, noting any significant breaches
- any child safety incidents that occurred during the review cycle, noting frequency and possible contributing factors
- the process used to manage any child safety incidents or concerns at the School, noting the positives and areas for improvement and
- the content and frequency of child protection training for Staff and Volunteers at the School, noting any significant feedback from Staff and Volunteers about the training.

When conducting an Additional Review following a significant child safety incident or concern, occurring at or involving the School, the Board considers, 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 School's compliance with internal and external reporting obligations
- whether the incident was a result of a gap in the School's Child Protection Program
- how the Child Protection Program could be improved or adapted to ensure the gap is addressed.

## Record Keeping About Reviews

Every review is documented, with records maintained indefinitely.

## Communicating Review Outcomes

The School communicates the outcomes of all reviews conducted by the Board and the School to the School community by:

a notice placed on the Child Safety page of the school website.

## Audits

The School is regularly audited for compliance with the Victorian Standards and Ministerial Order 1359 , either internally or externally by an independent specialist agency. This audit:

- audits the child protection policies and procedures, to provide evidence of how the School is child safe through, and to identify improvements to, its governance, leadership and culture
- includes audits of practice within the School to ensure that policies and procedures are followed in practice, consistently across the School community, and to identify areas for improvement.

## Continuous Improvement

Little Yarra Steiner School is committed to continuous improvement in all its operations including this Child Protection Program. This is an ongoing process that the Principal and Child Safe Officer/s monitor.

Continuous improvement is the final step of our Compliance, Review and Improvement cycle. It involves using:

- data collected through various channels and collated in the reviews of the Child Protection Program
- research into best practice
- any legislative or regulatory updates,

to identify key areas that require improvement or amendment to ensure that our Child Protection Program is functioning effectively to ensure the protection, safety and wellbeing of children and young people at the School.

## Approval of Changes to the Child Protection Program

All changes to the policies and procedures in the Child Protection 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 Board
- the Principal; or
- another appropriate person at the School or Little Yarra Steiner School

for approval.

The approving person/body will, depend on:

- the subject matter of the relevant policy/procedure
- whether the Board has delegated review responsibility to the Principal or to another person at the School or Little Yarra Steiner School.

A record of the initial approval of each policy/procedure, the date of the next scheduled review, the dates of all other reviews, and a record of the approvals by the Board, the Principal and/or the other appropriate person at the School are recorded in the policy.

## Definitions and Additional Resources

This section of the Program includes:

- [Child Protection Program Definitions](#)
- [Definitions and Key Indicators of Child Abuse and Other Harm](#)
- [Child Safety and Wellbeing Law and Regulation in Victoria](#)
- [Additional Child Protection Resources](#)

### Child Protection Program Definitions

The following definitions apply to, and are used throughout, the Child Protection Program. Where additional definitions apply to a specific policy or procedure, these are set out in the relevant policy/procedure itself.

## Child Protection

Where the phrase “child protection” is used in our Child Protection 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 Protection Program, as a person who is under the age of 18 years. Note, however that different age ranges may apply to the definitions of “child” for different legal reporting and responding obligations. For more detailed information, refer to [Definitions and Key Indicators of Child Abuse and Other Harm](<https://lyss.policyconnect.com.au/module/262/page/b37bc401-a9d5-435c-907a-563f717080c7.md>).

## Student

A student is defined in Ministerial Order 1359 as a person who is enrolled at or attends the School .

Similarly, where the term “student” is used in this Program, it refers to all students enrolled at or attending the School including those aged 18 and above.

Note that, as set out in our procedures for [Responding to and Reporting Child Safety Incidents and Concerns](#), 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.

For more information, refer to [Responding to and Reporting Child Safety Incidents and Concerns](#).

## **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 child abuse and other harm in Victoria.

For the purposes of the Child Protection 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 detailed information, refer to [Definitions and Key Indicators of Child Abuse and Other Harm](#).

## **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](<https://ce-viewer.com/module/262/page/b37bc401-a9d5-435c-907a-563f717080c7.md>). Together, they are all considered “child safety incidents or concerns” for the purposes of our Child Protection Program.

Breaches of the [Child Protection Codes of Conduct\\_child protection\\_Code](#) 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 [Responding to and Reporting Child Safety Incidents and Concerns](#).

## **Child Safety Incidents or Concerns “Involving” the Principal**

Throughout this Child Protection 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 School 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 protection-related complaint is made about the Principal, the Assistant Principal 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](#)
- [Child Protection Complaints Management](#)
- [Reportable Conduct](#)
- [Reporting Teacher Misconduct to the Victorian Institute of Teaching.](#)

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 a 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 surround 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-Connected Work

Ministerial Order I359 defines “child-connected work” as work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

The Board of Directors authorises the Principal to work at or for the School.

the Business Manager authorises all other Staff, Volunteers and Contractors to work at or for the School on behalf of the Board.

This means that all staff members, including teaching and non-teaching Staff, 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 2020 (Vic). It is work performed at or for the School by a staff member, Volunteer or Contractor that usually involves (or is likely to involve) 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 , 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 School Community

Throughout the Child Protection Program, certain groups of people in the School community are identified for the purposes of assigning roles, responsibilities and obligations. To ensure clarity, the following terms are used consistently throughout the Program and have the following meanings:

### the Board

the Board is Little Yarra Steiner School's "school governing authority" for the purposes of Ministerial Order 1359.

References to the Board include all members irrespective of their level of interaction with students or School policy.

### Board Chair

With the exception of where the Board Chair has specific roles and responsibilities and is therefore expressly identified, the Board Chair is considered an employee of Little Yarra Steiner School for the purposes of the Child Protection Program.

### The Principal

With the exception of where the Principal has specific roles and responsibilities and is therefore expressly identified, the Principal is included as a staff member for the purposes of the Child Protection Program.

### Board of Directors

The Board of Directors includes all Board of Directors members irrespective of their level of interaction with students or School policy.

### School Staff

"School staff" is a particular phrase used in Ministerial Order 1359. It defines "school staff" 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; or

- a minister of religion, religious leader or an employee or officer or a religious body associated with the school”.

the Business Manager engages or employs Staff, Volunteers and Contractors at the School (other than the Principal) on behalf of the Board.

*This means that the phrase “school staff” includes all Staff, as well as Direct Contact Contractors at the School, no matter their age or the frequency of their engagement.*

“School 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 School whether on a permanent, temporary or casual basis. These terms include all teaching and non-teaching Staff and, unless otherwise stated, the Principal.

All “staff members” are “school staff” for the purposes of Ministerial Order 1359.

Where differentiation between teachers and non-teaching Staff is required, it will be expressly stated within the policy or procedure itself.

Where the terms “Staff” or “staff members” are extended to include other members of the School community such as Volunteers or Contractors, this will be expressly stated within the policy or procedure itself.

## **Volunteers**

A Volunteer is a person who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or from the wider School or local community. Volunteers make a considerable contribution to the School community by giving their time and sharing their skills and expertise with others.

Volunteers are NOT “school 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.

Little Yarra Steiner School has identified three categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers’ responsibilities and obligations under the Child Protection 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 and could potentially have direct contact with students during the normal course of providing the volunteer service.

The Worker Screening Act 2020 (Vic) defines “direct contact” in section 3 as any contact between a person and a child (aged under 18) that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication
- 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 School 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 School 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 School
- assist with theatre or music productions
- tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating
- volunteer in the School canteen or uniform shop.

Due to the nature of Direct Contact Volunteers’ contact with students, they will have more comprehensive child protection responsibilities and obligations within our Child Protection Program.

## **Regular Volunteer**

Regular Volunteers are individuals who provide volunteer services to the School, more than seven times in any one year, but are not a Direct Contact Volunteer. They may have some incidental contact with students when providing their services.

*Regular Volunteers (other than those who are themselves children) who work in any School environment while children are present or are expected to present are engaged in “child-connected work” within the meaning of the 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 School administrative office (other than in a role that has direct contact with students)
- on School 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 School or School events, even though their contact with students may be incidental, they will have some child protection responsibilities and obligations within our Child Protection Program.

## **Casual Volunteer**

Casual Volunteers are individuals who provide volunteer services to the School, seven times or less in any one year, but are not a Direct Contact Volunteer. They may have incidental contact with students when providing their services but only in circumstances where:

- 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 that the contact may enable the individual to form a relationship of trust with a student (for example, their services are directed towards the general public rather than to students)
- a reasonable person would not consider that the contact may create a risk to the safety of a student.

*Casual Volunteers (other than those who are themselves children) who work in any School environment while children are present or are expected to present are engaged in “child-connected work” within the meaning of the 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 School garden
- on a stall at a School fair
- on a School BBQ at a sporting event
- in the School 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 School staff members or Direct Contact or Regular Volunteers, and are instead treated as Visitors.

## **Contractors**

On occasion it may be necessary for the School to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Little Yarra Steiner School. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches, External Education Providers and cleaners.

Contractors who have direct contact with children (see below) are “school 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.

Little Yarra Steiner School has identified three categories of Contractors, based on the level and frequency of their interaction with students. Contractors’ responsibilities and obligations under the Child Protection 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 School 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 School, but have an agreement with the School to use the School’s facilities.

Due to the nature of Direct Contact Contractors’ contact with students, they will have more comprehensive child protection responsibilities and obligations within our Child Protection Program.

## Regular Contractor

Regular Contractors are individuals who provide contractor services to the School more than seven times in any one year and are not Direct Contact Contractors. They may have some incidental contact with students when providing their services.

*Regular Contractors (other than those who are themselves children) who work in any School environment while children are present or are expected to present are engaged in “child-connected work” within the meaning of the 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 School or School events, even though their contact with students may be incidental, they will have some child protection responsibilities and obligations within our Child Protection Program.

## Casual Contractor

Casual Contractors are individuals who provide contractor services to the School, seven times or less in any one year, during which they may have incidental 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 that the contact may 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 School environment while children are present or are expected to present are engaged in “child-connected work” within the meaning of the 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 School
- provide assistance with activities at a School 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 School staff members or Direct Contact or Regular Contractors, and are instead treated as Visitors.

## External Education Providers

An External Education Provider is any organisation that the School has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School. This may include:

- another registered school
- a government school including:
  - the Open High School
  - Distance Education Centres
  - 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 School premises or elsewhere.

For the purposes of our Child Protection Program, External Education Providers are considered Direct Contact Contractors.

## Visitors

The term “Visitor” refers to any adult who attends a School event or in a School 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 School events or in a School environment
- people invited by the School or a staff member to attend a School event or to be in a School environment
- people who attend a School environment for commercial purposes, such as for deliveries or sales purposes.

## The School Environment

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

- a campus of the School
- online or virtual School environments made available or authorised by the 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 School 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, 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 or a Student's Sexual Orientation or Gender Identity](#)
- [Additional Vulnerabilities](#)

### **Change or Suppression of a Child's or a Student'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.

## **Child Safety and Wellbeing Law and Regulation in Victoria**

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](<https://ccyp.vic.gov.au/child-safe-standards/the-11-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 School 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 No. 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.

The Victorian Registration and Qualifications Authority (VRQA) monitors and enforces compliance with the Victorian Child Safe Standards and Ministerial Order 1359 for all registered schools in Victoria.

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 Little Yarra Steiner School, 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 Protection 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 Protection 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. This screening process is called the WWC (working with children) Check.

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 School 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 School or to have involved School Staff, Volunteers or Contractors brings a claim against the School, a court will presume that the School breached its duty of care unless the School 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.

Examples of reasonable precautions could include:

- the effective implementation of the School's risk management strategies in Child Safety Risk Management and our Reporting a Child Safety Incident or Concern Internally policy
- complying with Working with Children Checks and other child protection Human Resources Management policies
- ensuring that Staff and relevant Volunteers and Contractors complete child protection induction and ongoing training.

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 Little Yarra Steiner School 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 Protection 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, Little Yarra Steiner School has established this Child Protection 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.

### Additional Child Protection Resources

## Public-Facing Documents

Complaints handling policy

Procedures for Responding to and Reporting Child Safety Incidents or Concerns

child safe program

## Child Protection Record Keeping

[PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools] ([https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf))

## Child Safe Standards and Implementation

Commission for Children and Young People, [The Victorian Child Safe Standards](<https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/>), 2022

Minister for Education, Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises, Ministerial Order No. 1359, 2022

Victorian Registration and Qualifications Authority, Guidelines to the Minimum Standards and Requirements for School Registration

Victorian Registration and Qualifications Authority, Schools and school boarding premises: Regulatory information and guidance to help you comply with the new Child Safe Standards

Australian Human Rights Commission, [National Principles for Child Safe Organisations](#)

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](#)

Commission for Children and Young People, [Cultural Safety for Aboriginal Children](#)

Commission for Children and Young People, [Safety of Children with a Disability](#)

Commission for Children and Young People, [Safety of Children from Culturally and Linguistically Diverse Backgrounds](#)

## **Child Protection Complaints Handling**

National Office of Child Safety, [Complaint Handling Guide: Upholding the Rights of Children and Young People] (<https://childsafety.pmc.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>)

Royal Commission into Institutional Responses to Child Sexual Abuse, [Final Report Volume 7 – Improving Institutional Responding and Reporting](#)

## **Mandatory Reporting to Child Protection**

Department of Education, [Your Reporting and Legal Obligations] (<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/reportobligations.aspx#link3>), 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, Catholic Education Commission of Victoria and Independent Schools Victoria, , [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools] ([https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)), 2018

Department of Education, 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, 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, Catholic Education Commission of Victoria and Independent Schools Victoria, [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)

Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [Responding to Suspected Student Sexual Offending: A Template for all Victorian Schools](#)

## **Recognising and Responding to Sexual Behaviour in Children and Young People**

[True Traffic Lights®](<http://www.wbsass.com.au/themes/default/basemedia/content/files/Traffic-LightsBrochure.pdf>)

## **Working with Children Checks**

Department of Justice and Community Safety, [Working with Children Check Victoria website] (<https://www.workingwithchildren.vic.gov.au/>)

## **Reportable Conduct Scheme**

Commission for Children and Young People, [Reportable Conduct Scheme](<https://ccyp.vic.gov.au/reportable-conduct-scheme/>), 2018

Commission for Children and Young People, [Guidance for Organisations: Investigating a Reportable Conduct Allegation](#)

## **Reporting to Police**

Department of Justice and Community Safety, [Failure to Disclose Offence Fact Sheet] (<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>), 2018

## **Failure to Protect**

Department of Justice and Community Safety, [Failure to protect: a new criminal offence to protect children from sexual abuse](<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>), 2018

## **Child Protection HR Management**

Commission for Children and Young People, [Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice](<https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-6/>)

Victorian Government, [Schools - suitable staff and volunteers guidance](#)

## **Information Sharing About a Student's Safety or Wellbeing**

Office of the Commissioner for Privacy and Data Protection, [Guidelines for Sharing Personal Information]  
([https://ovic.vic.gov.au/wp-content/uploads/2018/07/Information\\_sharing\\_guidelines.pdf](https://ovic.vic.gov.au/wp-content/uploads/2018/07/Information_sharing_guidelines.pdf)), 2016