

CHILD SAFETY POLICY



ST. JOSEPH'S CATHOLIC SCHOOL



TABLE OF CONTENTS

INTRODUCTION	2
PURPOSE OF THE POLICY	2
PRINCIPLES	2
DEFINITIONS USED IN THIS POLICY	3
POLICY COMMITMENTS	4
RESPONSIBILITIES AND ORGANISATIONAL ARRANGEMENTS	6
GUIDE TO RESPONSIBILITIES OF SCHOOL LEADERSHIP	6
GUIDE TO RESPONSIBILITIES OF SCHOOL STAFF	6
ORGANISATIONAL ARRANGEMENTS	7
EXPECTATION OF OUR SCHOOL STAFF – CHILD SAFETY CODE OF CONDUCT	7
STUDENT SAFETY AND PARTICIPATION	7
REPORTING AND RESPONDING	7
SCREENING AND RECRUITMENT OF SCHOOL STAFF	8
CHILD SAFETY – EDUCATION AND TRAINING FOR SCHOOL STAFF	9
RISK MANAGEMENT	9
RELEVANT LEGISLATION	10
RELATED POLICIES	10
CATHOLIC EDUCATION MELBOURNE POLICIES	10
BREACH OF POLICY	10
REVIEW OF THIS CHILD SAFETY POLICY	11
APPENDIX 1: CHILD SAFETY- REPORTING POLICY	12
INTRODUCTION	12
RATIONALE	12
GUIDING PRINCIPLES	12
ACCOUNTABILITIES	13
RECEIVING COMPLAINTS	14
INVESTIGATIONS	14
INCIDENTS INVOLVING A CURRENT STUDENT	15
INCIDENTS INVOLVING A PAST STUDENT	15
INCIDENTS INVOLVING A CURRENT STAFF MEMBER	15
INCIDENTS INVOLVING A PAST STAFF MEMBER	16
EMPLOYMENT PROACTIVE PROCEDURES	16
APPENDIX 2: CHILD SAFETY CODE OF CONDUCT	18
PURPOSE	18
ACCEPTABLE BEHAVIOURS	19
UNACCEPTABLE BEHAVIOURS	20
REFERENCES	21



INTRODUCTION

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

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

PURPOSE OF THE POLICY

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

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#).

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

PRINCIPLES

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

The following principles underpin our commitment to child safety at Loreto Toorak:

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



PRINCIPLES (CONTINUED)

- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, contractors, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

DEFINITIONS USED IN THIS POLICY

Child: A child or a young person enrolled as a student at the school.

Child abuse includes:

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- (b) the infliction, on a child, of:
 - (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) serious neglect of a child. ¹

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.²

Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.³

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour.⁴

Child protection: Statutory services designed to protect children who are at risk of serious harm. ⁵

¹ [Ministerial Order No. 870](#)

² [Ministerial Order No. 870](#)

³ [Safe Schools Hub](#)

⁴ [Safe Schools Hub](#)

⁵ [Safe Schools Hub](#)



DEFINITIONS USED IN THIS POLICY (CONTINUED)

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (ie a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (eg a 14 year old and an 11 year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse.⁶

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.⁷

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).⁸

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

- (a) directly engaged or employed by a school governing authority
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- (c) a minister of religion.⁹

POLICY COMMITMENTS

⁶ [Safe Schools Hub](#)

⁷ [Safe Schools Hub](#)

⁸ [Ministerial Order No. 870](#)

⁹ [Ministerial Order No. 870](#)



LORETO Mandeville Hall Toorak

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

Our commitment to our students

- We commit to the safety and wellbeing of all children and young people enrolled in our school.
- We commit to providing children and young people with positive and nurturing experiences.
- We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- We commit to taking action to ensure that children and young people are protected from abuse or harm.
- We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- We commit to seeking input and feedback from students regarding the creation of a safe school environment.

Our commitment to parents and carers

- We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures.
- We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.
- We commit to continuously reviewing and improving our systems to protect children from abuse.

Our commitment to our school staff (school employees, volunteers, contractors and clergy)

- We commit to providing all Loreto Toorak staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
- We commit to listening to all concerns voiced by staff, clergy, volunteers, and contractors about keeping children and young people safe from harm.
- We commit to providing opportunities for Loreto Toorak employees, volunteers, contractors and clergy to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.



RESPONSIBILITIES AND ORGANISATIONAL ARRANGEMENTS

Everyone employed or volunteering at Loreto Toorak has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make. ([CECV Commitment Statement to Child Safety](#))

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

GUIDE TO RESPONSIBILITIES OF SCHOOL LEADERSHIP

The Principal, the Board and Leadership Team at Loreto Toorak recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#).

GUIDE TO RESPONSIBILITIES OF SCHOOL STAFF

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

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



ORGANISATIONAL ARRANGEMENTS

At Loreto Toorak, the Child Safety Lead will be the Deputy Principal.

All allegations or evidence will be directed to her as outlined in the Child Safety-Reporting Policy document. (*Appendix 1*)

EXPECTATION OF OUR SCHOOL STAFF – CHILD SAFETY CODE OF CONDUCT

At Loreto Toorak, we expect school employees, volunteers, contractors and clergy to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements. Loreto Toorak has a Child Safety Code of Conduct (*Appendix 2*), which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees, volunteers, contractors and clergy for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

The Loreto Toorak Code of Conduct also protects school staff through clarification of acceptable and unacceptable behaviour.

STUDENT SAFETY AND PARTICIPATION

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

We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.

REPORTING AND RESPONDING

The School records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Loreto Toorak complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the [Betrayal of Trust](#) report.

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

Loreto Toorak's Child Protection – Reporting Policy (*Appendix 1*), updated on 5 July, 2016 sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.



REPORTING AND RESPONDING (CONTINUED)

The policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Loreto Toorak has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

Loreto Toorak has formal avenues for complaints and disclosure processes, which are outlined and detailed in the following policies and procedures:

- Loreto Toorak Grievance Procedures
- Loreto Toorak Pastoral Care Policy
- Loreto Toorak Staff Charter
- Loreto Toorak Parent Charter

SCREENING AND RECRUITMENT OF SCHOOL STAFF

Loreto Toorak will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Protection Code of Conduct and the Child Safety Policy.

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

- Undertake a comprehensive reference and background checks, as are reasonable in the employment context.
- Ensure that all teaching staff must hold current VIT registration.
- Ensure that all other staff must hold either a current VIT registration or Working With Children Check National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children. The School maintains HR systems to ensure that VIT registrations and WWCC's held by staff remain current.
- Ensure that when contractors come on site regularly in circumstances where they would not be directly supervised by a staff member holding a VIT or WWCC accreditation, they must have a current WWCC.
- obtain references that address the applicant's suitability for the job and working with children.



LORETO Mandeville Hall Toorak

SCREENING AND RECRUITMENT OF SCHOOL STAFF (CONTINUED)

Loreto Toorak will monitor and assess the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

- A register of complaints/allegations is to be held by the Deputy Principal

CHILD SAFETY – EDUCATION AND TRAINING FOR SCHOOL STAFF

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

- Loreto Toorak Leadership Team and the Risk, Compliance and Employment Manager will outline Child Safety Policy, Child Safety Reporting and the Child Safety Code of Conduct on an annual basis, commencing in July 2016 and at the time of employment. Sessional staff will be asked to attend specific meetings to receive this training.
- Staff will sign the Child Safety Code of Conduct document that they have received training in the details of the policy.
- Board Members will have specific training in the legislation at the August Board meeting in the first instance, with new Board members being inducted as they commence their term of office. Board Members will be required to sign the Child Safety Code of Conduct.

RISK MANAGEMENT

At Loreto Toorak we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise. Loreto Toorak has nominated the person responsible for the process to be the Deputy Principal. The Loreto Toorak Child Safety-Reporting Document outlines the way in which Loreto Toorak will respond to any allegation of sexual misconduct or abuse.



RELEVANT LEGISLATION

- *Children, Youth and Families Act 2005* (Vic.)
- *Working with Children Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Privacy Act 1988* (Cth)
- *Crimes Act 1958* (Vic.) – Three new criminal offences have been introduced under this Act:

Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

Failure to protect offence: The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

RELATED POLICIES

CATHOLIC EDUCATION MELBOURNE POLICIES

- [Policy 2.2: Guidelines Relating to the Employment of Staff](#) (currently under review)
- [Policy 2.19: Child Protection – Reporting Obligations](#)
- [Policy 2.19a: School Guidelines – Police and DHHS Interview Protocols](#)
- Policy 2.20: Misconduct Policy (withdrawn and currently under review)
- [Policy 2.26: Pastoral Care of Students in Catholic Schools](#)(currently under review)

BREACH OF POLICY

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, Loreto Toorak may start the process under clause 13 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the parish priest or the employer. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

Where any **other member of the school community** is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with: *Child Safety – Reporting Obligations, Grievance Policy, Loreto Toorak Parent Charter* and/or contact Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).



LORETO Mandeville Hall Toorak

REVIEW OF THIS CHILD SAFETY POLICY

At Loreto Toorak we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.



APPENDIX 1: CHILD SAFETY- REPORTING POLICY

INTRODUCTION

At Loreto Mandeville Hall Toorak, we hold the care, safety and wellbeing of all students at our school as a central and fundamental responsibility of our School. This document provides an outline of the procedures and strategies developed when an allegation of sexual abuse occurs.

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

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#), the Children, Youth and Families Act (2005), the Working with Children Act (2005), and Catholic Education Melbourne Policy 2.19 Child Protection-Reporting Obligations (2015)

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

RATIONALE

This policy outlines the broad considerations applicable when Loreto Toorak receives an allegation of sexual misconduct or abuse from or about a person and their time at School. It sets out in broad terms the procedures it uses in responding to complaints and allegations of misconduct or abuse against current or former employees, or volunteers, from current or former students. Definitions used in this policy are found in the Child Safety Policy, page 2

GUIDING PRINCIPLES

Any current or past student from Loreto Toorak has the right to make a complaint about any aspect of their School experience.

Complainants who raise allegations of a criminal act will be advised of their right to make a formal complaint to the Police.

All complaints will be taken seriously and will be addressed and responded to as soon as possible.

In circumstances in which students at Loreto Toorak have suffered abuse whilst at the School, the School accepts in full the responsibility to support and assist that person, whether it is a current or former student.

When Loreto Toorak believes that a complaint should be upheld, the response from the School will include some form of reparations.

Reparations may include, but will not be limited to

- (a) Acknowledgement of any failures in the Loreto Toorak duty of care.
- (b) Provision of a formal apology in a format and manner agreed with the complainant.
- (c) Assistance with access to counselling or other support services.



- (d) Remedial actions to prevent the reoccurrence of any similar acts of sexual abuse against Loreto Toorak students.
- (e) A financial payment

Reparations may only be offered to the claimant, victim or victims with the approval of the Principal and the Loreto Toorak Council.

The Child Safety-Reporting Policy will:

- Be based on principles of procedural fairness for all parties.
- Treat complainants respectfully, supportively and professionally.
- Be as open and transparent as possible, whilst respecting people's rights to privacy and confidentiality.
- Take a humane view, rather than a legalistic approach.
- Reflect a commitment to address past grievances and provide a pathway towards recovery and healing.
- Endeavour to ensure staff maintain confidentiality and appropriate record-keeping.
- Consider the complainant's expressed wishes, gender, culture, language and accessibility, throughout the process.
- Respect the rights of the alleged perpetrator with regard to untested allegations.
- The School will always release its student file to a complainant, subject to "blanking out"/removing material that would identify others (breach the privacy rights of other persons).
- Use de-identified information where it is possible to do so, in the course of the investigation.
- Where a crime appears to have been committed, the complainant will be encouraged to report it to the Police.
- The School will always act in a way consistent with its legal and ethical obligations. The authorities will always be advised, where that is mandated under law, or in circumstances where the School views that as appropriate to prevent further harm (eg where the perpetrator is still teaching at the School or elsewhere). To this extent, the School may not be able to provide an undertaking as to confidentiality to either the complainant or the alleged perpetrator.

ACCOUNTABILITIES

The Principal is responsible for determining the most appropriate response to the complaint and any reparations offered.

The Principal is ultimately accountable for ensuring that complaints from current or past students are handled in accordance with this Policy and its Procedures. She is also responsible for ensuring that the Loreto Toorak Board is informed of all findings and recommendations which result from complaint investigations.

The Deputy Principal is responsible for acting as a 'Designated Person' in accordance with this Policy and its Procedures in handling all complaints. She is also responsible for providing annual summaries and statistics regarding such complaints to the Loreto Toorak Board and School Leadership Team. She is responsible for maintaining a register and file system of all complaints.



RECEIVING COMPLAINTS

The School will investigate all complaints in relation to sexual abuse that may have occurred to students in its care.

- A complaint is a registration of dissatisfaction with the School, lodged verbally or in writing by a complainant or their representative. A complaint may be related to a specific episode, occurrence of failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- A complaint may be made by a person who was the victim of the alleged conduct, or their representative. Where the complainant is not the victim, they will need to demonstrate that they have the authorisation of the victim to make the complaint.
- A complaint may relate to the conduct of a current or past employee, contractor, volunteer or student.
- When received initially by reception or frontline staff, the complainant should be referred to the Deputy Principal.
- The Deputy Principal will explain and refer the complainant to the Loreto Toorak Child Protection-Reporting Policy and will encourage the complainant to outline their complaint in writing, if not already done so.
- In accordance with Privacy legislation, Loreto Toorak will provide the complainant with full access to and copies of any information and records that contain information about her and her time at Loreto Toorak.
- The Deputy Principal will offer the support of the School Counsellor. The Principal will be informed about the alleged abuse. The Principal will determine if further reporting must occur, eg to the Chair of the Board, LML, CEM, the Police in accordance with Ministerial Order No 870.
- Should the complainant decide that they do not wish to proceed with the complaint, the Deputy Principal will offer appropriate support persons or organisations.
- Loreto Toorak may seek to proceed with an investigation after a complaint has been withdrawn where it deems it appropriate to do so, especially when it holds concerns for the welfare of any current or former students. Loreto Toorak will comply with all recommendations of Ministerial Order No 870

INVESTIGATIONS

When the School is made aware of specific allegations/rumours/hearsay, then it will record the specific details in writing, in so far as they can be ascertained, and it will act in accordance with Ministerial Order No 870.

It **will** investigate these matters:

- If formalised as a complaint; or
- If a current student is alleged to have been abused.

It **may** investigate them if it believes this to be appropriate and, in making this decision, will have regard to factors such as:

- The particular circumstances involved



- Whether corroborative evidence exists (eg similar allegations against an alleged perpetrator).
- Whether there is a reasonable belief that further harm could be done (eg the alleged perpetrator is still teaching at the School or elsewhere).
- The potential impact on the alleged victim.

INCIDENTS INVOLVING A CURRENT STUDENT

The School has a clear approach set out in the Critical Incident Management Plan

The School's Mandatory Reporting Policy (refer staff handbook) is relevant.

INCIDENTS INVOLVING A PAST STUDENT

Any allegations or complaints made by a past student or his or her representatives are to be referred to the Deputy Principal who will make the initial contacts and notes.

- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The welfare of the past student is paramount. Immediate access to counselling services is to be offered, as appropriate.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Deputy Principal will convene a meeting with relevant Senior Staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.
- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.

INCIDENTS INVOLVING A CURRENT STAFF MEMBER

Any allegations or complaints made about a current staff member are to be referred to the Deputy Principal who will make the initial contacts and notes.

- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The staff member will be informed of allegations against them and be asked to take leave with pay while the matter is investigated
- The Deputy Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.



LORETO Mandeville Hall Toorak

- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
 - Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.
- The School's Mandatory Reporting Policy (refer staff handbook) is relevant.

INCIDENTS INVOLVING A PAST STAFF MEMBER

- Any allegations or complaints made about a past staff member are to be referred to the Deputy Principal who will make the initial contacts and notes.
- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Deputy Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.
- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.

EMPLOYMENT PROACTIVE PROCEDURES

Loreto Toorak will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy.

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

- In employing staff, the School always undertakes comprehensive reference checking and background checks, as are reasonable in the employment context.
- All teaching staff must hold current VIT registration.
- All other staff must hold either a current VIT registration or Working With Children Check National Police Check status and/or professional registration (as relevant)



LORETO Mandeville Hall Toorak

- The School will obtain proof of personal identity and any professional or other qualifications
- The School will verify the applicant's history of work involving children. The School maintains HR systems to ensure that VIT registrations and WWCC's held by staff remain current.
- Where contractors come on site regularly in circumstances where they would not be directly supervised by a staff member holding a VIT or WWCC accreditation, they must have a current WWCC.
- The School will obtain references that address the applicant's suitability for the job and working with children.

Loreto Toorak will monitor and assess the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

- A register of complaints/allegations is to be held by the Deputy Principal



APPENDIX 2: CHILD SAFETY CODE OF CONDUCT

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

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

There has been a long tradition of care for every student at Loreto Toorak.

"...relationships in the school community will be marked by mutual respect, acceptance of difference and the presumption of goodwill...students are helped to develop a sense of identity that is inwardly free and to become more capable of accepting responsibility for their lives and of courageous, compassionate and generous service." (*Loreto Schools of Australia Mission Statement 2010*, p6)

PURPOSE

This Code of Conduct has a specific focus on safeguarding children and young people at Loreto against sexual, physical, psychological and emotional abuse or neglect. It is intended to complement other professional and/or occupational codes.

All staff, volunteers, contractors, clergy and Board members at Loreto are expected to actively contribute to a school culture that respects the dignity of its members and affirms the Gospel values of love, care for others, compassion and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below. The list of acceptable and unacceptable behaviours is by no means exhaustive.



ACCEPTABLE BEHAVIOURS

All staff, volunteers, contractors, clergy and Board members are responsible for supporting the safety of children by:

- adhering to the school's Child Safe policy and upholding the school's statement of commitment to child safety at all times
- taking all reasonable steps to protect children from abuse
- treating everyone in the school community with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not alone with a child
- reporting any allegations of child abuse to the school's leadership (or child safety officer if the school has appointed someone to this role)
- understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the *Crimes Act 1958*
- reporting any child safety concerns to the school's leadership (or child safety officer if the school has appointed someone to this role)
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe
- reporting to the Victorian Institute of Teaching any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher, or certain allegations or concerns about a registered teacher.



UNACCEPTABLE BEHAVIOURS

All staff, volunteers, contractors, clergy and Board members must not:

- ignore or disregard any suspected or disclosed child abuse
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps)
- put children at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact which children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- have contact with a child or their family outside of school without a valid reason or context (for example, a staff member may be a family friend and social contact is understandable or may be involved in community activities outside of school).
- have any online contact with a child (including by social media, email, instant messaging etc) or their family without a valid reason or context
- use any personal communication channels/device such as a personal email account to communicate with students without a valid reason or context
- exchange personal contact details such as phone number, social networking sites or email addresses without a valid reason or context
- photograph or video a child without the consent of the parent or guardians
- supervise or work with children whilst under the influence of alcohol or illegal drugs

STAFF ATTESTATION

I, _____, confirm that I have:

1. Been made aware that Loreto Mandeville Hall Toorak is committed to Child Protection
2. Been made aware of my responsibilities and obligations in relation to Child Protection
3. Read and understood the Loreto Toorak Child Safety Code of Conduct and commit to its implementation

Signed: _____

Date: _____



REFERENCES

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

Catholic Education Commission of Victoria Ltd (CECV) 2013, [*Victorian Catholic Education Multi Enterprise Agreement 2013*](#), CECV.

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

Safe Schools Hub 2014, [*National Safe Schools Framework Glossary*](#), Australian Government Department of Education and Training.

State of Victoria 2016, [*Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870*](#), Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Victorian Government Department of Justice 2016, [*Betrayal of Trust Implementation*](#).



LORETO Mandeville Hall Toorak

Responsible Officer	Deputy Principal
Approved by	
Approved and commenced	28 July 2016
Review by	May 2017
Relevant Legislation	Children, Youth and Families Act 2005 (Vic.), Crimes Act 1958 (Vic.) Education and Training Reform Act 2006 (Vic.) Equal Opportunity Act 2010 (Vic.) Ministerial Order No 870- <i>Child Safe Standards: Managing the Risk of Child Abuse in Schools</i> Privacy and Data Protection Bill 2014 (Vic) Working with Children Act 2005
Related Policies & Procedures	Child Safety – Reporting Obligations Child Safety Code of Conduct Critical Incident Procedures Duty of Care Policy Grievance Procedures ICT Staff Policy ICT Parent and Student Policy Parent Charter Pastoral Care Policy Staff Charter Staff Induction Policy
Version	1 (Child Safety Policy)
Amendments to version	



LORETO

Mandeville Hall Toorak

10 Mandeville Crescent
Toorak Victoria 3142

+61 3 9823 8100

www.loretotoorak.vic.edu.au