

# Child Safe Policy

## 1. PURPOSE

Kingswood College’s governing authority, the College Council, is committed to child safety by protecting and promoting the interests of children and ensuring that those people who care for our students act in their best interests and take all reasonable steps to provide a safe and secure environment.<sup>(2.1)</sup>

Through the establishment of this policy the College Council sets out the key elements of Kingswood College’s approach to ensuring child safety and provide an overarching set of principles that guide the development of the College policies, procedures, systems and processes, with the aim of protecting children from abuse and embedding a strong and robust organisational culture of child safety. The goal is a culturally safe and inclusive environment for all young people and their families, including Aboriginal and Torres Strait Islander children. <sup>(1.5)</sup>

## 2. SCOPE

This policy applies to all members of the Kingswood College community.

## 3. KEY RESPONSIBILITIES

Position/Roles	Responsibilities
Council <sup>(2.3)</sup>	<ul style="list-style-type: none"> <li>To set out the values and principles that will guide Kingswood College in developing a child safe culture and environment</li> <li>Approve the <i>Child Safe Policy</i> and <i>Code of Conduct</i> <sup>(2.4)</sup></li> <li>Ensure that child safety is unreservedly observed and respected at all levels of the organisation <sup>(2.2)</sup></li> <li>Ensure a culture of child safety and a zero tolerance to child abuse is embedded into all aspects of the College</li> <li>Ensure the <i>Child Safe Policy</i>, the <i>Code of Conduct</i>, and the Child Safety Risk Register are regularly reviewed <sup>(10.1)</sup></li> <li>Appoint a Child Safety Committee of the Council, which meets regularly</li> </ul>
Executive Team	<ul style="list-style-type: none"> <li>Develop and implement strategies to embed an organisational culture of child safety</li> <li>Allocate roles and responsibilities for child safety within the College</li> <li>Review policies, procedures, systems and processes through an enduring lens of cultural safety and inclusion <sup>(1.5)</sup></li> <li>Ensure that families, carers and the community are informed about the organisation’s operations and governance <sup>(4.4)</sup></li> <li>Ensure staff appointed to leadership roles champion and model compliance with College policies, and particularly the <i>Child Safe Policy</i> and <i>Code of Conduct</i> <sup>(11.4)</sup></li> </ul>

Position/Roles	Responsibilities
Child Safety Officers	<ul style="list-style-type: none"> <li>Be an active and available staff member for anyone in the College community to report a suspected child safety or abuse concern</li> <li>Provide authoritative advice and raise awareness about child safety within the community</li> </ul>
All College staff, volunteers and contractors	<ul style="list-style-type: none"> <li>Are required to comply, understand and implement this <i>Child Safe Policy</i> <sup>(11.5)</sup>, our <i>Code of Conduct</i> and their legal obligations with respect to the reporting of child abuse</li> <li>Be aware of key risk indicators of child abuse and raise any concerns they may have relating to child abuse to a <b>Child Safety Officer</b></li> <li>Contribute to the development of this policy and ongoing efforts to ensure a child safe environment exists at Kingswood</li> </ul>

## 4. OUR POLICY

### 4.1 Summary of our commitment to child safety

Kingswood College is committed to child safety <sup>(2.1)</sup>. All children at the College should feel safe, happy and empowered.

**Kingswood College has a zero tolerance of child abuse.** All allegations and child safety concerns are treated consistently and very seriously. Any allegations or concerns should be reported to our **Child Safety Officers** as well as the appropriate authorities.

The College is committed to preventing child abuse, identifying risks early and removing or reducing these risks in the school environment (including physical and online environments).<sup>(2.5, 9.3)</sup> Recruitment processes seek to ensure that the most suitable people are selected to work and volunteer with children, and that unsuitable people are screened out.<sup>(6.1)</sup> Inductions and annual training occurs to inform staff and volunteers of child abuse risks. <sup>(6.3, 8.1 & MO1359 12.2a)</sup>

The College is also committed to providing age-appropriate education to students, parents and staff, to enable all members of the community to understand, identify, discuss and report child safety matters. This also includes providing a complaints process which is child-focused and accessible by children.<sup>(5.2, 7.1)</sup> The *Complaints and Grievances Policy and Procedures* outline the roles and responsibilities of leadership, staff and volunteers, and our approaches to dealing with different types of complaints. <sup>(7.1)</sup>

All children are supported and respected at Kingswood College, as well as our staff and volunteers. The College is committed to: the cultural safety of Aboriginal and Torres Strait Islander<sup>1</sup> children and families; the cultural safety of children from culturally and/or linguistically diverse backgrounds, including international students; the care and safety of students unable to live at home; providing a safe environment for children with a disability; and supporting same sex attracted, intersex, and gender diverse students, and children from same sex families. <sup>(5.3 & MO1359 9.2c)</sup> The principles of equity and respecting diverse needs provide a lens through which the College develops its policies and practices. <sup>(MO1359 s9.1)</sup>

<sup>1</sup> Although the Child Safe Standards use the term 'Aboriginal' to include both Aboriginal and Torres Strait Islander people, in our Policy we have chosen to continue the practice of explicitly stating 'Aboriginal and Torres Strait Islander' cultures and people.

Kingswood College will ensure compliance with *Ministerial Order 1359, Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises* and all other relevant legislation by embedding all aspects of the legislation into our policies and procedures. This focus will be supported by best practice models, legal and expert advice, and stakeholder consultation. <sup>(11.3)</sup>

Further, specific policies, procedures and training exists to support our leadership team, staff, contractors and volunteers and to support College's commitment to child safety. Refer to the Related College Policies and Procedures listed below. Our contractors and external suppliers must also meet the Child Safety Standards in accordance with the *Procurement Policy*. <sup>(9.4)</sup>

This policy, in concert with the other associated policies, ensures that all of the Child Safe Standards are addressed in a way which is documented, discoverable and easy to understand. <sup>(11.1, 11.2)</sup>

## 4.2 Students

A feature of Kingswood College is the respectful relationships enjoyed between students and staff. This is the most powerful factor in ensuring students are heard, feel safe, and are comfortable reporting to staff their concerns. The College Council sets the tone so that College staff see the students as important and active members of the community, and their views are listened to and treated with respect. With respect to culture, and Aboriginal and Torres Strait Islander cultures in particular, a child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported. <sup>(1.1, 1.2)</sup> Refer to the "*Appendix 1: Cultural Safety for Aboriginal and Torres Strait Islander Students and Families*" that details the strategies and actions the College undertakes. <sup>(MO1359 s5.3)</sup>

This sense of respect extends to parents and carers of students. For example, where appropriate, students and families are involved when decisions are made about matters that directly affect them. <sup>(4.1)</sup> Families are also given free access to information about the organisation's operations and governance <sup>(4.4)</sup>, and they are invited to participate in the development or review of key policies which affect them (including this policy). <sup>(4.3)</sup>

Our *Inclusive Education Policy* outlines and demonstrates our commitment to ensuring that support is provided to young people with diverse needs and circumstances, particularly where those needs or circumstances might make them vulnerable. The *Inclusive Education Policy* specifically refers to the support needed which might result from disability, culturally and linguistically diverse family backgrounds, cultural identity including Aboriginal and Torres Strait Islander heritage, gender identity and sexual orientation. <sup>(5.1, 5.3)</sup>

There is a documented Wellbeing curriculum throughout the College. As part of this curriculum children are taught in age-appropriate ways about:

- their rights, including to safety, information and participation <sup>(3.1)</sup>;
- building friendships, resulting in safe social environments <sup>(3.2)</sup>; and
- sexual abuse and ways to recognise and respond to sexual abuse and grooming. <sup>(3.3)</sup>

The Resilience, Rights and Respectful Relationships curriculum published by the Victorian State Government is a key reference and resource used in the development of our Wellbeing program.

Diversity, inclusion and respect are promoted at Kingswood College. People from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and families <sup>(1.4, 1.5)</sup>
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds, international students and students who are unable to live at home <sup>(5.3 & MO1359 9.2c)</sup>
- ensure that children with a disability are safe and can participate

- support same sex attracted, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) students, and students from same sex families (5.3 & MO1359 9.2c)

Kingswood College will actively support and assist any child who discloses child abuse, or are otherwise linked to child abuse. The College Counsellors and Wellbeing teams will provide this support along with appropriate external specialists if required.

The College will listen to and consider the opinions of children and draw on such in shaping our child safety policies.

#### 4.3 Staff and volunteers

This policy, along with our *Code of Conduct*, induction programs and annual training, (8.1 & MO1359 12.2a) guides our staff and volunteers on how to behave with children in the College community.

All of our staff and volunteers must agree to abide by our *Code of Conduct* which specifies the standards of conduct and what is acceptable and unacceptable behaviour required when working with children. All staff and volunteers, as well as children and their families, are given the opportunity to contribute to the *Child Safe Policy* and *Code of Conduct* when they are reviewed. (4.3 & MO 8.2c)

While expectations of staff and volunteers in relation to the online environment are outlined in the *Code of Conduct*, comprehensive details are included in the *Staff ICT User Agreement* to ensure the online environment is safe and used appropriately. (9.2) Staff are consulted when this policy is updated, which ensures that staff knowledge regarding these expectations remains current.

Staff are expected to create environments where:

- students have the opportunity to participate in decision-making (3.4, 3.5);
- children can express their views and raise concerns, knowing they will be taken seriously (3.4); and
- the College actively responds to the input of young people. (3.5, 3.6)

##### 4.3.1 Training and supervision

Training and education is important to reinforce the understanding that child safety is everyone's responsibility. Kingswood College seeks to create a culture where all staff and volunteers (in addition to parents/carers and children) feel confident and able to discuss any allegations of child abuse or child safety concerns.

Staff and volunteers are inducted and annually trained in Child Safety. (8.1 & MO1359 12.2a) The training includes information regarding:

- our key documents, including this *Child Safe Policy*, *Code of Conduct*, the document *Responding to Concerns of Child Abuse, Neglect and Safety*, and the *Child Safety Officers Role* (8.1); and our *Complaints and Grievances Policy and Procedures* (7.1)
- embedding organisational culture to minimise risk, including supervision expectations (8.1)
- the indicators of harm and child abuse (8.2)
- how to respond to disclosures from the victim (8.3)
- how to respond to concerns raised by students or community members (8.3)
- how to create an atmosphere where children's voices are heard and respected (3.4, 8.4)
- how to support colleagues and students after disclosures (8.3)
- reporting requirements (following a disclosure)
- information sharing legislation, obligations and protocols (see Appendix 3) (2.6 and MO1359 12.2a (vii))

- recording keeping requirements (2.6 and MO1359 12.2a (vii))
- responding to inappropriate behaviour, including identifying, confronting and following up any instances of racism or vilification of LGBTIQ+ students (1.3)

The training is provided at least annually through briefings, seminars and online training. (2.5)

By including a review of our key documents, the training will provide guidance on how to identify and mitigate child safety risks in the school environment, without unduly inhibiting the normal social connections, privacy and access to information that children enjoy. (9.1)

Reviews of our Child Safety Risk Register are conducted annually as part of our training of our Child Safety Officers. Outcomes of those reviews are shared with the staff and volunteers, and where appropriate, with families and students. (10.3)

Training also focuses on ensuring that staff and volunteers maintain a current understanding of safety in the online environment. The expectations on staff do not compromise a child's right to privacy, access to information, social connections and learning opportunities. (9.1)

Staff and volunteers are also supported through ongoing supervision to develop their skills to protect children from abuse; and promote (i) the cultural safety of Aboriginal and Torres Strait Islander children, (ii) the cultural safety of children from linguistically and/or diverse backgrounds, (iii) the safety of children with a disability, and (iv) the provision of support to same sex attracted, intersex, gender diverse students and children from same sex families. (8.4)

New employees and volunteers are inducted (6.3) and supervised. (6.4) The College ensures they understand the organisational commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (refer to *Code of Conduct*).

Any inappropriate behaviour will be reported to relevant authorities, and this will not be limited to reporting required by law. Cooperation will always be offered to those authorities. (7.4, 7.5) Depending on the nature, severity and urgency of the concern, the concern may be reported to the Commission for Children and Young People; the Department of Families, Fairness and Housing; Orange Door; Victorian Institute of Teaching and/or Victoria Police.

#### 4.3.2 Recruitment and Selection

All reasonable steps are taken to employ skilled people to work with children. Selection criteria and advertisements are developed to clearly demonstrate the College's commitment to child safety and an awareness of social and legislative responsibilities. The College understands that when recruiting staff and volunteers, ethical as well as legislative obligations exist.

All people engaged in child-related work, including volunteers, are required to hold VIT Registration or a Working with Children Check clearance and to provide evidence of this Check (6.2) (see [Working with Children Check](#) website). Police checks are conducted as an element of gaining VIT Registration or a Working with Children Check.

Interviews and reference checks are conducted to establish the suitability of candidates to perform child-connected work, and emphasise child safety and wellbeing. (6.1) Information about a person's history of work with children will be requested from referees. Qualifications and identity of applicants are verified as part of the appointment process.

All staff and volunteers complete an Induction Program which includes an outline of a range of policies, specifically including our *Child Safety Policy*, *Code of Conduct* and familiarity with '*Responding to Concerns*

of Child Abuse, Neglect and Safety, and the Child Safety Officers Role' (see Recruitment Processes).<sup>(6.3 & MO1359 s10.4)</sup>

Ongoing supervision and management focuses on child safety and wellbeing.<sup>(6.4)</sup> This is achieved through:

- rigorously implementing our supervision policies;
- regular incidental supervision of all staff by members of the College Executive;
- facilitating student voice;
- building collegiality, to ensure that it is not daunting to raise or express concerns with a member of the Executive; and
- ongoing, varied, child safety training.

#### 4.3.3 Fair procedures for personnel

The safety and wellbeing of children is the College's primary concern. The College also seeks to be fair and just to personnel. The decisions made when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.<sup>(7.5)</sup>

All allegations of child abuse, neglect and safety concerns are recorded using the College's incident reporting form, including investigation updates. All records are securely stored. Refer to our *Records Management Policy* for more information.

If an allegation of abuse or a safety concern is raised, updates are provided to staff, children and families as appropriate (and allowed by investigating authorities) on progress and any actions the College takes.

#### 4.4 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. Kingswood College has safeguards and practices in place to ensure any personal information is protected.<sup>(7.5)</sup> Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it. Refer to our *Privacy Policy* which is based on the Australian Privacy Principles.

#### 4.5 Risk Management

In addition to general occupational health and safety risks, Kingswood College proactively manages the risk of abuse to our children.

The College Council and Executive Team have developed and implemented risk management strategies to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical and online environments and activities. In addition to the College Risk Register, there is a specific Child Safety Risk Register, which is annually reviewed and updated by the Child Safety Officers and reviewed by the College Council.<sup>(10.1 and MO1359 6.2 d & e)</sup>

Further, all Risk Assessments for all events or activities (such as camps and excursions) must specifically consider Child Safety in light of the setting, activities, environment and characteristics of the students present.<sup>(9.3, 2.5, MO1359 6.2 c (ii)).</sup>

#### 4.6 Allegations, Concerns and Complaints

Kingswood College takes all allegations seriously and has practices in place to investigate thoroughly and quickly.<sup>(7.3)</sup> Staff and volunteers are informed on how to deal appropriately with allegations, including from the perspective of cultural safety. Complaints processes are clear, and are presented in age-appropriate language, to ensure that complaints can be made by children.<sup>(5.2, 7.2)</sup> The *Complaints and Grievances Policy and Procedures* outline the roles and responsibilities of leadership, staff and volunteers, and our approaches to dealing with different types of complaints.<sup>(7.1)</sup>

The College works to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. The College community has a shared responsibility to report an allegation of abuse if there is a reasonable belief that an incident took place.

If an adult has a **reasonable belief** that an incident has occurred then they must report the incident to the appropriate authorities and to Kingswood College's **Principal** or one of the College's **Child Safety Officers**.

A list of Kingswood's **Child Safety Officers** is available on the Kingswood website College Policies section at: <https://www.kingswoodcollege.vic.edu.au/about-kwc/governance/>

Reporting to a College Child Safety Officer does not remove the legislated responsibilities of an individual, which are outlined in section 4.7.

This policy, and the College document '*Responding to Concerns of Child Abuse, Neglect and Safety, and the Child Safety Officers Role*' are available to Council members and parents, staff, volunteers and students on Kingsnet, and the College website. <sup>(4.2)</sup>

Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

If you believe a child is at **immediate risk** of abuse, phone 000.

#### 4.7 Legislative responsibilities

Kingswood College and all adults in Victoria have a legal obligation to protect children, including:

**Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.<sup>2</sup>

**Failure to protect:** People of authority at the College commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.<sup>3</sup>

**Grooming<sup>4</sup> and encouraging a child to engage in sexual activity<sup>5</sup>** Acts by an adult that encourage a child (under 18) to engage in, or be involved in, sexual activity are also considered an offence under the Crimes Act 1958 (Vic).

Any personnel who are **mandatory reporters** must comply with their duties.<sup>6</sup>

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<sup>2</sup> A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. See [Department of Justice and Regulation website](#)

<sup>3</sup> Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](#)

<sup>4</sup> Crimes Act (Vic) section 49M

<sup>5</sup> Crimes Act (Vic) sections 49K and 49L

<sup>6</sup> Mandatory reporters (doctors, nurses, midwives, teachers [including early childhood teachers], principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. See [how to make a report to child protection](#).

**Reportable Conduct of Staff, Volunteers and Others.** The College Principal is required to investigate and report to the *Commissioner of Children and Young People* any allegations of reportable conduct under the Child Wellbeing and Safety Act 2005 (Vic).

#### 4.8 Records Management and Information Sharing

Appropriate records management practices are a critical element of child safety and wellbeing. Records will be created and managed in accordance with our *Records Management Policy*, which in turn, references the *Public Record Office Victoria Recordkeeping Standards*. <sup>(MO 6.2g)</sup>

The Principal at Kingswood College is responsible for securing and retaining all records relating to child safety incidents or concerns including allegations, investigations and findings about child safety, neglect and abuse.

The Principal maintains a formal log of all child safety related complaints, and the outcome of each investigation is reported to the Child Safe Committee of Council. This level of reporting ensure that systematic failures are discovered and addressed. <sup>(10.2)</sup>

The Principal may share information with other Information Sharing Entities (ISEs) under the provisions of the Victorian Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS), as described in Appendix 3.

#### 4.9 Regular Review

This policy will be reviewed every two years and following significant incidents if they occur. <sup>(10.1)</sup> Families and students have the opportunity to contribute to the policy. <sup>(4.2)</sup> Where possible the College will do its best to work with local Aboriginal and Torres Strait Islander communities, culturally and/or linguistically diverse communities, people with a disability, same sex attracted, intersex and gender diverse students. <sup>(4.2 & 5)</sup>

### 5. RELATED COLLEGE POLICIES AND DOCUMENTS

- Responding to Concerns of Child Abuse, Neglect and Safety, and the Child Safety Officers Role
- Code of Conduct
- Complaints and Grievances Policy and Procedures
- Inclusive Education Policy
- Mandatory Reporting Policy
- Privacy Policy
- Reportable Conduct of Staff, Volunteers and Others
- The Obligation to Report a Sexual Offence and Failure to Protect
- Recruitment Processes
- College Governance – Statement for Parents <sup>(4.4)</sup>
- Procurement Policy
- Risk Management Policy
- Records Management Policy
- Staff ICT User Agreement
- Working with Children Check Policy

### 6. RELATED PUBLICATIONS

- Resilience, Rights and Respectful Relationships learning materials published by the Victorian State Government
- The Victorian Child Safe Standards (2022) (Appendix 2)
- Ministerial Order 1359, Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises (Appendix 4)

## Appendix 1

### Cultural Safety for Aboriginal and Torres Strait Islander Students and Families

Kingswood College has established and maintains a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal and Torres Strait Islander children and young people and their culture are respected and valued. (5.4, MO1359 s5.3)

Particular strategies and actions which contribute to this environment include:

- At our first formal whole-school assembly each year we invite an appropriate Indigenous person to conduct a 'Welcome to Country' or 'Acknowledgement of Country' service. Where possible, we also involve our Indigenous students in this event.
- All of our formal assemblies and other gatherings include an 'Acknowledgement of Country' at the beginning of the program.
- We have an ongoing partnership with the Melbourne Indigenous Transition School (MITS) <sup>(1.4)</sup>. We accept Aboriginal and Torres Strait Islander girls through the MITS program, and support the cost of their education, particularly through the waiver of fees and the provision of laptops and uniforms. Our goal is to support the students through to the completion of Year 12. We provide a culturally safe environment for these students by:
  - employing a support worker to work with them, enabling them to access as much of the curriculum as is realistic
  - arranging travel to and from the remote communities, and providing chaperones to care for them as they fly between Darwin and Melbourne
  - welcoming members of their families as they enrol with us, and on graduation
  - maintaining regular contact with their indigenous families, both formally (e.g. reporting) and informally (e.g. phone contact and photos)
  - reviewing our curriculum with a view to supporting cultural safety
  - Transport arrangements are made in consultation with families, and with respect to 'Sorry Business' and other cultural factors
- We fly the Aboriginal and Torres Strait Island flags
- We celebrate NAIDOC Week and the Aboriginal Cultural round of the AFL
- We ensure that Sorry Day is appropriately acknowledged (remembering the National Government Apology to Australia's Indigenous People for the forced removal of Aboriginal and Torres Strait Islander children)
- We review and update our curriculum to ensure it is culturally safe for Aboriginal and Torres Strait Islander students
- We consult with Wurundjeri elders regarding various projects (e.g., building development, yam growing)
- We intentionally strive to include Aboriginal and Torres Strait Islander texts, characters, perspectives and art in our curriculum

The following Child Safe Standards apply from 1 July 2022.  
(The 11 standards replace a previous set of 7 standards.)

### Child Safe Standards (from 1 July 2022)

#### Child Safe Standard 1 – 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

In complying with Child Safe Standard 1, an organisation must, at a minimum, ensure:

- 1.1 A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
- 1.2 Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
- 1.3 Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.
- 1.4 The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.
- 1.5 All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.

#### Child Safe Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture

In complying with Child Safe Standard 2, an organisation must, at a minimum, ensure:

- 2.1 The organisation makes a public commitment to child safety.
- 2.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.
- 2.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 2.4 Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 2.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- 2.6 Staff and volunteers understand their obligations on information sharing and record keeping.

#### Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

In complying with Child Safe Standard 3, an organisation must, at a minimum, ensure:

- 3.1 Children and young people are informed about all of their rights, including to safety, information and participation.
- 3.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- 3.3 Where relevant to the setting or context, children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.
- 3.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns.
- 3.5 Organisations have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and young people.
- 3.6 Organisations provide opportunities for children and young people to participate and are responsive to their contributions, thereby strengthening confidence and engagement.

## Child Safe Standards (from 1 July 2022)

### Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing

In complying with Child Safe Standard 4, an organisation must, at a minimum, ensure:

- 4.1 Families participate in decisions affecting their child.
- 4.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 4.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 4.4 Families, carers and the community are informed about the organisation's operations and governance.

### Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice

In complying with Child Safe Standard 5, an organisation must, at a minimum, ensure:

- 5.1 The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 5.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- 5.3 The organisation pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.
- 5.4 The organisation pays particular attention to the needs of Aboriginal children and young people and provides/promotes a culturally safe environment for them.

### Child Safe Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

In complying with Child Safe Standard 6, an organisation must, at a minimum, ensure:

- 6.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- 6.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 6.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 6.4 Ongoing supervision and people management is focused on child safety and wellbeing.

### Child Safe Standard 7 – Processes for complaints and concerns are child focused

In complying with Child Safe Standard 7, an organisation must, at a minimum, ensure:

- 7.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 7.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 7.3 Complaints are taken seriously, and responded to promptly and thoroughly.
- 7.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 7.5 Reporting, privacy and employment law obligations are met.

## Child Safe Standards (from 1 July 2022)

### **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**

In complying with Child Safe Standard 8, an organisation must, at a minimum, ensure:

- 8.1 Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.
- 8.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 8.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 8.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

### **Child Safe Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed**

In complying with Child Safe Standard 9, an organisation must, at a minimum, ensure:

- 9.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.
- 9.2 The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices.
- 9.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.
- 9.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

### **Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved**

In complying with Child Safe Standard 10, an organisation must, at a minimum, ensure:

- 10.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 10.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- 10.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

### **Child Safe Standard 11 – Policies and procedures document how the organisation is safe for children and young people**

In complying with Child Safe Standard 11, an organisation must, at a minimum, ensure:

- 11.1 Policies and procedures address all Child Safe Standards.
- 11.2 Policies and procedures are documented and easy to understand.
- 11.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 11.4 Leaders champion and model compliance with policies and procedures.
- 11.5 Staff and volunteers understand and implement policies and procedures.

## Appendix 3

### Information Sharing Schemes

The Victorian Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) ('the Schemes') enables the sharing of confidential information, where it is relevant to the safety and wellbeing of children and young people, between certain organisations known as Information Sharing Entities (ISEs).

The purpose of the CISS is to facilitate all of the services that may be involved with a child, or a group of children, to work together to identify needs and risks, promote early intervention and integrated service provision, and improve outcomes for children and their families.

The purpose of the FVISS is to enable the sharing of confidential information, where it is relevant to assessing or managing family violence risks, between certain organisations and people to ensure the safety and protection of those experiencing family violence and to hold perpetrators to account.

The requirements under the Schemes essentially override privacy legislation for the purpose of promoting the wellbeing or safety of a child or group of children. This means that, as long as the grounds for sharing information are established, we:

- can request information from another ISE relating to a student,
- must disclose relevant information to another ISE when requested, and
- can voluntarily disclose information to other ISEs.

**Grounds for Sharing Information Between ISEs.** Kingswood College will share information when requested, if the information meets the threshold test – that is, the information:

- would promote the wellbeing and safety of the child (or children);
- would help the ISE to:
  - make a decision, assessment or plan,
  - start or conduct an investigation,
  - provide a service, and or
  - manage any risk; and
- can be shared (that is, it is not "excluded information", defined in the following paragraphs, and in the CISS)

Kingswood College will share information voluntarily with other ISEs, if mandatory reports have been made in the previous three years about a family situation, or if we are concerned about the wellbeing of a student and we do not have confidence that the student is receiving appropriate care. We will apply the threshold test before voluntarily sharing information.

Excluded information must not be shared. Excluded information is clearly defined in the legislation and Guidelines, but essentially relate to any information which could (a) endanger a person, (b) interfere with, or prejudice, an investigation or trial; (c) contravene a court order, or (d) identify a legally protected source.

Kingswood College will request information from other ISEs – including previous schools – under the CISS, if there is any concern held by a College staff member during the application and interview process, including if there is concerning welfare information which is shared as part of the enrolment process.

All information requested, received or shared under the Information Sharing Schemes must be carefully recorded. Further guidance about the collection, use or disclosure of Information under the Schemes can be found:

- on the [DET website](#)
- in the [Child Information Sharing Scheme Ministerial Guidelines](#) – a 56 page document published by the Victorian Government
- in the [Family Violence Information Sharing Guidelines](#) – a 150 page document published by the Victorian Government

Due to the complexity of privacy and the information sharing regulations, at Kingswood College, the Principal (or an Acting Principal) is the authorised representative for sharing information with, or requesting information from, other ISEs.

Both Schemes have been in operation since 2018. The Schemes did not initially apply to non-government schools, but it was always intended that non-government schools would be brought into both Schemes. Since 19 April 2021, non-government schools are included in the list of “information sharing entities” (ISEs) for the Schemes.

Despite privacy laws prohibiting or restricting the disclosure of personal information, organisations and services prescribed as an “information sharing entity” (ISE), including non-government schools, **must** share confidential information relating to the safety and wellbeing of a child or young person (information) with other ISEs:

- When requested to do so by the ISE under Part 6A CWS Act; and/or
- To fulfil Reportable Conduct obligations and Mandatory Reporting / Reporting to Police obligations.

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.
- 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.

Kingswood College provides further training and information about the CWS Act through CompliSpace.

## IMPLEMENTING THE CHILD SAFE STANDARDS – MANAGING THE RISK OF CHILD ABUSE IN SCHOOLS AND SCHOOL BOARDING PREMISES

Ministerial Order No. 1359

### PART 1 – PRELIMINARY

#### 1. Objective

1.1 The objective of this Order is to specify the matters regarding which:

- a) a person or body applying for registration of a school or school boarding premises; and
- b) registered schools or registered school boarding premises

must take action for the purposes of:

- c) embedding a culture of ‘no tolerance’ for child abuse; and
- d) complying with the Child Safe Standards as gazetted by the Minister for Child Protection; and
- e) complying with the prescribed minimum standards for the registration of schools in section 4.3.1(6)(d) and school boarding premises in section 4.3.8C(1)(d) of the **Education and Training Reform Act 2006**.

***Explanatory note:** This Order describes a range of outcomes and actions that schools and school boarding premises must undertake to demonstrate compliance with the Child Safe Standards.*

*It is important to note that where this Order specifies the creation of a policy, statement, procedure or other document, effective implementation of that policy, statement, procedure or other document is necessary to achieve the outcomes of each Child Safe Standard.*

*This Order sets the minimum requirements for compliance with the Child Safe Standards for schools and school boarding premises. Schools and school boarding premises are encouraged to consider any additional actions consistent with each clause that will further contribute to the ongoing safety of children and students and the creation of child safe environments.*

#### 2. Authorising provisions and commencement

2.1 This Order is made under sections 4.3.1(6)(d), 4.3.8C(1)(d) and 5.10.4 of the **Education and Training Reform Act 2006**.

2.2 This Order comes into operation on 1 July 2022.

#### 3. Revocation

3.1 Ministerial Order 870 – Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises is revoked on 30 June 2022.

#### 4. Definitions

4.1 In this Order:

**child** has the same meaning as in the **Child Wellbeing and Safety Act 2005**.

**child-connected work** means:

- a) 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; or
- b) for the purposes of a school boarding premises, work authorised by the provider of school boarding services in a school boarding premises environment while children are present or reasonably expected to be present.

**child-related work** has the same meaning as in the **Worker Screening Act 2020**.

**child abuse** has the same meaning as it has in the **Child Wellbeing and Safety Act 2005**.

**Child Safe Standards** has the same meaning as it has in the **Child Wellbeing and Safety Act 2005**.

**child safety** includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.

**ETR Act** means the **Education and Training Reform Act 2006** as amended from time to time.

**governing body** has the same meaning as it has in the **Education and Training Reform Regulations 2017**.

**proprietor** has the same meaning as it has in the **Education and Training Reform Regulations 2017**.

**school boarding environment** means any physical, online or virtual space made available or authorised by the school boarding premises governing authority for a child or student boarding at a school boarding premises to use at any time, including:

- a) online or virtual school boarding environments (including email, intranet systems, software applications, collaboration tools, and online services);
- b) other locations provided by the provider of school boarding services or through a third-party provider for a child or student to use including, but not limited to, locations used for:
  - (i) camps;
  - (ii) approved homestay accommodation;
  - (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
  - (iv) sporting events, excursions, competitions or other events.

**school boarding premises governing authority** means:

- a) the provider of school boarding services;
- b) the governing body for a school boarding premises (however described) as authorised by the provider of school boarding services or the ETR Act.

**Explanatory note:** *There are a wide range of governance arrangements among providers of school boarding services. Depending on the way a provider of school boarding services is constituted and operated, the governing body for a provider may be an individual, a group of individuals, a board, a body corporate or some other person or entity. The provider of school boarding services may share or assign responsibility for discharging the requirements imposed by the Order, in accordance with the provider's internal governance arrangements.*

**school boarding premises staff** means:

- a) in a Government school boarding premises, an individual working in a school boarding premises environment who is:
  - (i) employed by the school boarding premises governing authority; or
  - (ii) a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work.
- b) in a non-government school boarding premises, an individual working in a school boarding environment who is:
  - (i) directly engaged or employed by the school boarding premises governing authority;
  - (ii) a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work; or
  - (iii) a minister of religion, a religious leader or an employee or officer of a religious body associated with the school.

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

- c) A campus of the school;
- d) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services); and
- e) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:
  - (i) camps;
  - (ii) approved homestay accommodation;
  - (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
  - (iv) sporting events, excursions, competitions or other events.

**school governing authority** means:

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

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

**school staff** means:

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

- (i) employed under Part 2.4 of the **ETR Act** in the Government teaching service;
  - (ii) employed under Part 2.3 of the **ETR Act**; or
  - (iii) 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.
- b) in a non-Government school, an individual working in a school environment who is:
- (i) directly engaged or employed by a school governing authority;
  - (ii) a 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
  - (iii) a minister of religion, a religious leader or an employee or officer of a religious body associated with the school.

**student** means a person who is enrolled at or attends the school or a student at the school boarding premises.

**volunteer** means a person who performs work without remuneration or reward for the school or school boarding premises in the school environment or school boarding premises environment.

4.2 The following terms have the same meaning as in the **ETR Act**:

- a) Government school;
- b) Government school boarding premises;
- c) Government teaching service;
- d) non-Government school;
- e) non-government school boarding premises;
- f) principal;
- g) provider of school boarding services;
- h) registered school;
- i) registered school boarding premises;
- j) school;
- k) school boarding premises;
- l) school boarding services;
- m) Secretary.

## PART 2 – MINIMUM STANDARDS FOR A CHILD SAFE ENVIRONMENT

### 5. Culturally safe environments

**5.1 Schools and school boarding premises must establish culturally safe environments in which the diverse and unique identities and experiences of Aboriginal children, young people and students are respected and valued.**

- 5.2 In complying with clause 5.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a) a child or student’s ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
  - b) strategies are embedded within the school or school boarding premises which equip school staff or school boarding premises staff, students, volunteers and the school community or school boarding premises community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and students.
  - c) measures are adopted by the school or school boarding premises to ensure racism is identified, confronted and not tolerated, and any instances of racism within the school environment or school boarding premises environment are addressed with appropriate consequences.
  - d) the school or school boarding premises actively supports and facilitates participation and inclusion by Aboriginal children and students and their families.
  - e) all of the policies, procedures, systems and processes of the school or provider of school boarding services, taken together, create a culturally safe and inclusive environment and meet the needs of Aboriginal children and students and their families.
- 5.3 The school governing authority or school boarding premises governing authority must develop and endorse a policy or statement that details the strategies and actions the school or school boarding premises will take to implement clauses 5.1 and 5.2.

***Explanatory notes:***

1. *The term ‘Aboriginal’ in this Order includes Aboriginal and Torres Strait Islander peoples. It is important to be respectful of how individual children, students, their families and community refer to themselves, and use appropriate language when referring to individuals or communities.*
2. *This clause applies even if there are no children or students at a school or school boarding premises that identify as Aboriginal.*
3. *A statement can take the form of any written record, for example, a documented plan, posted on a website or online communication platform or a statement incorporated into an existing policy or other document.*

### 6. Child safety and wellbeing is embedded in leadership, governance and culture

**6.1 Schools and school boarding premises must ensure that child safety and wellbeing is embedded in school or school boarding premises leadership, governance and culture.**

- 6.2 In complying with clause 6.1, the school governing authority or school boarding premises governing authority must, at a minimum:
- a) develop, endorse and make publicly available a child safety and wellbeing policy that details:
    - (i) The commitment of the school or provider of school boarding services to child safety;

- (ii) the actions the school or school boarding premises proposes to take to ensure a child safe culture is championed and modelled at all levels of the school or school boarding premises;
- (iii) the governance arrangements in place within the school or school boarding premises for ensuring implementation of the policy at all levels; and
- (iv) the process by which the school governing authority or school boarding premises governing authority will review its child safe practices.

***Explanatory notes:***

1. *Making a policy or statement publicly available will generally mean to make it available on a public website. Where schools or school boarding premises are unable to publish the policy or statement on a website, the school or school boarding premises should consider how children, students and families can best access policies or statements (for example, through other methods such as an online communications platform or for inspection at the school or school boarding premises. In these circumstances, the school community or school boarding premises community must be provided with sufficient information on how to access the content (for example through regular school newsletter notices or an online parent platform).*
2. *“Governance arrangements” refers to the specific systems, processes, roles, responsibilities and organisational arrangements that each school or school boarding premises puts in place to operationalise the policy.*

b) develop, endorse and make publicly available a Child Safety Code of Conduct that:

- (i) has the objectives of promoting child safety and wellbeing in the school environment or school boarding premises environment;
- (ii) provides guidelines for school staff, school boarding premises staff and volunteers on expected standards of behaviour in relation to child safety and wellbeing;
- (iii) takes into account the needs of all children and students and is consistent with any relevant professional or occupational codes of conduct; and
- (iv) is consistent with the child safety and wellbeing strategies, policies and procedures of the school or provider of school boarding services.

c) develop and implement risk management strategies that:

- (i) focus on preventing, identifying and mitigating risks related to child safety and wellbeing in the school environment or school boarding environment; and
- (ii) take into account the nature of the school environment or school boarding environment, 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.

d) if the school governing authority or school boarding premises governing authority identifies risks of child abuse occurring in the school environment or school boarding premises environment, make a record of those risks and the actions that are taken or will be taken to reduce or remove the risks (risk controls and risk treatments).

e) as part of its risk management strategy and practices, monitor and review the risks related to child safety and wellbeing annually, including evaluating the effectiveness of the implementation of its risk controls.

***Explanatory notes:***

1. *School governing authorities or school boarding premises governing authorities may record risks in various ways. Most commonly this would be through a risk register which*

*describes the risks, and the risk mitigation strategies that will be used to manage the risks.*

2. *Different risk controls may be necessary for particular groups of children and students depending on the nature of the risk and the characteristics of children and students affected by the risk.*
  3. *Processes to identify and mitigate risk are covered in various clauses in this Order (see clauses 6.2c, 6.2d, 6.2e, 10.2e, 11.3g, 12.2a and 13.2a). Taken together, these clauses help school staff, school boarding premises staff and volunteers to identify and mitigate risks in school environments and school boarding environments without compromising a child or student's right to privacy, access to information, social connections and learning opportunities consistent with Child Safe Standard 9.*
- f) create, maintain and dispose of records relevant to child safety and wellbeing in accordance with Public Record Office Victoria Recordkeeping Standards, including minimum retention periods.
  - g) develop a policy or statement that details the processes the school or school boarding premises has in place to meet Public Record Office Victoria Recordkeeping Standards.
  - h) ensure that school and school boarding premises staff and volunteers understand their obligations on information sharing and recordkeeping.

## **7. Child and student empowerment**

### **7.1 Schools and school boarding premises must ensure that children, young people and students are empowered about their rights, participate in decisions affecting them and are taken seriously.**

- 7.2 In complying with clause 7.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a) children and students are informed about all of their rights, including to safety, information and participation.
  - b) the importance of friendships is recognised and support from peers is encouraged, to help children and students feel safe and be less isolated.
  - c) staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and students to express their views, participate in decision-making and raise their concerns.
  - d) schools and school boarding premises have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and students.
  - e) schools and school boarding premises provide opportunities for children and students to participate and are responsive to their contributions to strengthen confidence and engagement.
- 7.3 The school governing authority must ensure students are offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.
- 7.4 Where relevant to the setting or context, the school boarding premises governing authority must ensure students are offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.
- 7.5 The school governing authority or school boarding premises governing authority must develop curriculum planning documents or other documentation that details the strategies and actions the school or school boarding premises will take to implement clauses 7.1, 7.2, 7.3 and 7.4.

**Explanatory note:** The [Convention on the Rights of the Child](https://humanrights.gov.au) provides guidance on children's rights. For further information see: <https://humanrights.gov.au>.

The Department of Education and Training also provides advice on equal opportunity and human rights for students at <https://www2.education.vic.gov.au/pal/equal-opportunity-human-rights-students/policy>.

## 8. Family engagement

### 8.1 Schools and school boarding premises must ensure that families and communities are informed, and involved in promoting child safety and wellbeing.

- 8.2 In complying with clause 8.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a) families participate in decisions related to child safety and wellbeing which affect their child.
  - b) the school or school boarding premises engages and openly communicates with families and the school community or school boarding premises community about its child safe approach and relevant information is accessible.
  - c) families and the school community or school boarding premises community have a say in the development and review of policies and practices of the school or provider of school boarding services related to child safety and wellbeing.
  - d) families, carers and the school community or school boarding premises community are informed about the operations and governance of the school or school boarding premises related to child safety and wellbeing.
- 8.3 The school governing authority or school boarding premises governing authority must develop a policy, statement or other documentation that details the strategies and actions the school or school boarding premises will take to implement clauses 8.1 and 8.2.

## 9. Diversity and equity

### 9.1 Schools and school boarding premises must ensure that equity is upheld, and diverse needs respected in policy and practice.

- 9.2 In complying with clause 9.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a) the school or school boarding premises, including staff and volunteers, understands the diverse circumstances of children and students, and provides support and responds to vulnerable children and students.
  - b) children, students, staff, volunteers and the school community or school boarding premises community have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
  - c) the school or school boarding premises 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, international students, and lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) students.
  - d) the school or school boarding premises pays particular attention to the needs of Aboriginal students and provides and promotes a culturally safe environment for them.

**Explanatory note:** *There are many ways that school staff or school boarding premises staff can determine if a child or student is vulnerable. Vulnerable children and students may include, but are not limited to, children or students who:*

- a) *are deemed vulnerable by a government agency, funded family service or family violence service, or assessed as requiring education and care outside the family home.*

- b) *are identified as vulnerable as a result of a referral from a government agency, funded family service or family violence service, homeless or youth justice service; or mental health or other health service.*
- c) *self-identify or are identified by school staff or school boarding premises staff as a member of a vulnerable cohort (for example Aboriginal children and students; children and students with disability; children and students from culturally and linguistically diverse backgrounds; children and students who are unable to live at home or are in out-of-home care; international students; and children and students who are lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+).*

*Schools and school boarding premises may also need to consider a range of other factors beyond those listed above when determining whether a child or student is vulnerable.*

- 9.3 The school governing authority or school boarding premises governing authority must develop and endorse a policy, statement or curriculum document that details the strategies and actions the school or school boarding premises will take to implement clauses 9.1 and 9.2.

## **10. Suitable staff and volunteers**

### **10.1 Schools and school boarding premises must ensure that people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.**

- 10.2 In complying with clause 10.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a) recruitment advertisements for school staff or school boarding premises staff who will be engaged in child-connected work have a clear statement that sets out:
    - (i) the job's requirements, duties and responsibilities regarding child safety and wellbeing; and
    - (ii) the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety and wellbeing.
  - b) all applicants for jobs that involve child-connected work for the school or school boarding premises must be informed about the child safety practices of the school or provider of school boarding services (including the code of conduct).
  - c) when engaging volunteers to undertake child-connected work, volunteers are made aware of the child safety and wellbeing policy and child safety code of conduct of the school or provider of school boarding services.
  - d) when engaging school staff or school boarding premises staff to perform child-connected work, the school governing authority or school boarding premises governing authority must:
    - (i) sight, verify and record the person's Working with Children clearance, if the person is required to have a clearance in accordance with the **Worker Screening Act 2020**, or any equivalent background check; and
    - (ii) where the person will be engaged in child-related work, collect and record:
      - a. proof of the person's identity;
      - b. information about any essential or relevant professional or other qualifications;
      - c. the person's history of work involving children; and
      - d. references that address the person's suitability for the job and for working with children.

**Explanatory note:** Please refer to the **Worker Screening Act 2020** which establishes a process to screen persons engaging or intending to engage in child-related work through a screening check, and also sets out exemptions from that requirement for some volunteers, parents and others.

The school or provider of school boarding services may need to gather a range of information, including but not limited to a Working with Children clearance and qualifications relevant to the role being performed, to help ensure only suitable people work with children.

Registration with the Victorian Institute of Teaching is an equivalent background check.

- e) when engaging a volunteer to perform child-connected work, the school governing authority or school boarding premises governing authority must:
  - (i) sight, verify and record the person's Working with Children clearance, if the person is required to have a clearance in accordance with the **Worker Screening Act 2020**, or any equivalent background check; and
  - (ii) consider the child safety risks relevant to the volunteer's role and, if reasonable and appropriate, collect and record:
    - a. proof of personal identity;
    - b. information about any essential or relevant professional or other qualifications;
    - c. the person's history of work involving children; and
    - d. references that address the person's suitability for the job and for working with children.
- 10.3 The school governing authority or school boarding premises governing authority need not comply with the requirements in clauses 10.2(d) and 10.2(e) if it has already undertaken these activities in relation to a particular individual within the previous 12 months.
- 10.4 In complying with clause 10.1, the school governing authority or school boarding premises governing authority must ensure that:
  - a) school staff, school boarding premises staff, members of the governing body, and volunteers engaged in child-connected work, receive an induction regarding child safety and wellbeing that is appropriate to the nature of the role, and which includes:
    - (i) information on the child safety code of conduct; and
    - (ii) where relevant to the role, the child safety and wellbeing policy and the procedures for managing complaints and concerns related to child abuse;
  - b) school staff, school boarding premises staff, members of the 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.
  - c) ongoing supervision and people management of staff and volunteers focuses on child safety and wellbeing.

## **11. Complaints processes**

### **11.1 Schools and school boarding premises must ensure that processes for complaints and concerns are child focused.**

- 11.2 In complying with clause 11.1, the school governing authority or school boarding premises governing authority must, at a minimum:

- a) develop a complaint-handling policy that is made publicly available and that is accessible, child-focused, culturally safe and easily understood by the school community or school boarding premises community, and clearly outlines:
  - (i) the process for making a complaint about the school or school boarding premises or the behaviour of any person within the school or school boarding premises (for example staff, volunteers, contractors, families, children or students);
  - (ii) the roles and responsibilities of leadership, school staff, school boarding premises staff, and volunteers in relation to handling complaints; and
  - (iii) 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) ensure complaints are taken seriously and responded to promptly and thoroughly.
- c) have policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperate with law enforcement.
- d) ensure recordkeeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns.
- e) have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse.

11.3 The procedures referred to in clause 11.2(e) must:

- a) cover all forms of child abuse.
- b) be sensitive to the diversity and characteristics of the school community or school boarding premises community.
- c) be made publicly available.
- d) be accessible to children, students, staff, volunteers and the school community or school boarding premises community.
- e) apply to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, school boarding premises staff, volunteers, contractors, service providers, visitors, or other persons while connected to a school environment or school boarding premises environment.
- f) identify the roles and responsibilities of school staff or school boarding premises staff and leadership to act and report on complaints and concerns relating to child abuse including:
  - (i) ensuring that the complaint or concern is taken seriously;
  - (ii) promptly and thoroughly managing the response of the school or provider of school boarding services;
  - (iii) responding appropriately to a child or student who raises or is affected by the complaint or concern;
  - (iv) monitoring overall compliance of the school or provider of school boarding services with the procedure; and
  - (v) managing an alternative procedure for responding to the complaint or concern if any person allocated responsibility under clause 11.7(f) cannot perform their role.
- g) include a statement that fulfilling the roles and responsibilities in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.
- h) clearly describe the actions the school or provider of school boarding services will take to respond to a complaint or concern relating to child abuse, including actions to:

- (i) report allegations, suspicions or disclosures to relevant authorities, regardless of whether there is a legal obligation to report;
- (ii) protect any child or student connected to the complaint or concern relating to child abuse until the complaint or concern is resolved; and
- (iii) make, secure, and retain records of the complaint or concern and the response of the school or provider of school boarding services.

11.4 The procedures referred to in clause 11.2(e) must not:

- a) prohibit or discourage school staff, school boarding premises staff or volunteers from reporting a complaint or concern relating to child abuse to a person external to the school or school boarding premises.
- b) state or imply that it is the victim's responsibility to inform the police or other authorities of an allegation relating to child abuse.
- c) require school staff, school boarding premises staff or volunteers to make a judgment about the truth of a complaint or concern relating to child abuse.
- d) prohibit school staff, school boarding premises staff or volunteers from making records in relation to a complaint or concern relating to child abuse.

## **12. Child safety knowledge, skills and awareness**

**12.1 Schools and school boarding premises must ensure that staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.**

12.2 In complying with clause 12.1, the school governing authority or school boarding premises governing authority must, at a minimum:

- a) ensure that, at least annually, school staff or school boarding premises staff engaged in child-connected work receive training and information on child safety that includes:
  - (i) the child safety and wellbeing policy of the school or provider of school boarding services;
  - (ii) the child safety code of conduct of the school or provider of school boarding services;
  - (iii) the procedures referred to in clause 11.2(e);
  - (iv) guidance on recognising indicators of child harm including harm caused by other children and students;
  - (v) guidance on responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm;
  - (vi) guidance on how to build culturally safe environments for children and students;
  - (vii) guidance on their information sharing and recordkeeping obligations; and
  - (viii) guidance on how to identify and mitigate child safety and wellbeing risks in the school environment without compromising a child or student's right to privacy, access to information, social connections and learning opportunities.
- 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 and students safe and that is appropriate to the nature and responsibilities of their role.
- c) when determining the type of training and information to provide to volunteers in accordance with clause 12.2(b), consider whether or not it is reasonable and necessary to include training and information on:
  - (i) the child safety and wellbeing policy of the school or provider of school boarding

- services;
  - (ii) the child safety code of conduct of the school or provider of school boarding services;
  - (iii) guidance on how to recognise indicators of child harm including harm caused by other children and students;
  - (iv) guidance on how to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm;
  - (v) guidance on how they can contribute to building culturally safe environments for children and students;
  - (vi) guidance on any obligations they have relating to information sharing and recordkeeping; and
  - (vii) guidance on how to identify and manage child safety risks relevant to the role the volunteer will undertake, without compromising a child or student's right to privacy, access to information, social connections and learning opportunities.
- d) ensure that school staff, school boarding premises staff and volunteers are supported to implement the child safety and wellbeing policy of the school or provider of school boarding services to the extent that it is applicable to their role and responsibilities.
- e) ensure that, at least annually, appropriate training and guidance is provided to the members of the governing body about:
- (i) individual and collective obligations and responsibilities for implementing the Child Safe Standards and managing the risk of child abuse;
  - (ii) child safety and wellbeing risks in the school environment or school boarding premises environment; and
  - (iii) the child safety policies, procedures and practices of the school or provider of school boarding services.

### 13. Child safety in physical and online environments

#### 13.1 Schools and school boarding premises must ensure that physical and online environments promote safety and wellbeing while minimising the opportunity for children, young people and students to be harmed.

13.2 In complying with clause 13.1, the school governing authority or school boarding premises governing authority must, at a minimum:

- a) ensure that the child safety and wellbeing policies, procedures and practices of the school or provider of school boarding services enable school staff, school boarding premises staff, and volunteers to identify and mitigate risks in school environments and school boarding premises environments without compromising a child or student's right to privacy, access to information, social connections and learning opportunities.
- b) develop and endorse a policy or statement on online conduct and online safety that is consistent with the child safety and wellbeing policy and practices and child safety code of conduct of the school or provider of school boarding services.
- c) ensure the procurement policies of the school or provider of school boarding services for facilities and services from third parties ensure the safety of children and students.

***Explanatory note:*** Schools and school boarding premises procure a wide range of goods and services, some of which may be obtained at no cost. Child safe procurement policies apply regardless of the value of the product or service.

## **14. Review of child safety practices**

**14.1 Schools and school boarding premises must ensure that implementation of this Order is regularly reviewed and improved.**

14.2 In complying with clause 14.1, the school governing authority or school boarding premises governing authority must, at a minimum:

- a) review and evaluate the child safety and wellbeing policies, procedures and practices of the school or provider of school boarding services after any significant child safety incident, or at least every two years, and improve where applicable.
- b) ensure complaints, concerns and safety incidents are analysed to identify causes and systemic failures and inform continuous improvement.
- c) report on the outcomes of relevant reviews to school staff, school boarding premises staff, volunteers, the school community or school boarding premises community, and families and students.

## **15. Implementation of child safety practices**

**15.1 Schools and school boarding premises must have policies and procedures that document how schools and school boarding premises are safe for children, young people and students.**

15.2 In complying with clause 15.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:

- a) that the school or provider of school boarding services implements practices for a child-safe environment in accordance with this Order.
- b) that the policies and procedures and any other statements and records this Order requires:
  - (i) address all Child Safe Standards;
  - (ii) are understood and implemented by all relevant school staff, school boarding premises staff, the governing body and volunteers;
  - (iii) are championed and modelled by leaders;
  - (iv) are documented and easy to understand; and
  - (v) are informed by best practice models and stakeholder consultation.

This Order is made on the 31<sup>st</sup> day of January 2022.



**The Hon. James Merlino, MP**  
**Minister for Education**