



# **Child Protection Policy Lavalla Catholic College**

**St Paul's and Kildare Campuses, Traralgon  
Ratified by Leadership Team 19 November 2014  
Currently under Review**

# Lavalla Catholic College

## Child Protection Policy

### Preamble

This Policy is a direction to you by the College as an employee or contractor of Lavalla Catholic College. You must comply with this policy. If you do not comply with this policy, the College may take disciplinary action, up to and including termination of your employment or engagement.

This Policy document is intended to be provided and made available to staff including employees and contractors during their employment or engagement with Lavalla Catholic College to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in Victoria. This Policy outlines the key concepts and definitions under the relevant legislation. It also sets out expected standards of behaviour in relation to employees and contractors and their relationships with students.

### Purpose

- to provide a safe, secure environment for every student at the College;
- to inform staff of their moral and legal obligations in the area of child protection;
- to provide for staff clear and unambiguous procedures for appropriate response to all aspects of Child Protection;
- to comply and to be seen to comply with Church guidelines and statutory requirements in this area.

### POLICY

Lavalla Catholic College is committed to providing an environment in which students feel safe and are protected from any form of abuse, violence, injury, neglect or exploitation. Students in the College have the right to expect that while they are at the College or at College-sponsored activities, every effort will be made to protect them from harm.

The Gospel imperatives of truth, justice, compassion and reconciliation underpin this policy. It is founded on the conviction that the rights and dignity of children and young people need to be promoted and protected, that they are all to be treated equally with love and respect, and that their personal dignity is never to be compromised. Children and young people can be quite vulnerable to victimisation, exploitation and abuse. Lavalla Catholic College is therefore committed to these principles:

- A primary responsibility is to create safe environments for children and young people and to protect them from any form of harm or abuse.
- All Lavalla Catholic College staff have a duty of care to support and protect children and young people.
- The safeguarding of children and the prevention of abuse require thorough education and training of all engaged in working with children and young people, either directly or indirectly.
- All children have equal rights to protection from abuse and exploitation.
- Culture or other reasons notwithstanding, we must intervene on behalf of any child suspected of being abused.
- Any complainant is listened to attentively and offered a compassionate, prompt and just response when making an allegation of abuse.

- A responsibility of care extends not only to the young person who may have suffered harm but also to his or her family. Any person accused of abuse also deserves to be treated with justice and compassion.
- Truth and transparency should characterise all actions.

In complying with Statutory and Church requirements in the treatment of issues relating to child protection and reportable conduct the Lavalla Catholic College will provide staff with advice and training to assist them in their duty of care.

Accordingly:

- The Principal or his/her delegate is responsible for compliance with the terms of all relevant legislation; he/she is to be informed of all matters concerning the welfare of students, including: suspected or disclosed allegations of abuse and neglect.
- All disclosures will be treated sensitively, respecting the dignity of the individual.
- Students who make a disclosure to a staff member must be informed of the responsibility of that staff member with regard to reporting.
- All adults have the responsibility to care for children and to protect them from any kind of abuse.
- In every preventative and/or protective action related to child abuse, the total well-being of the child is the primary concern.
- The value of the family unit is respected but not to the detriment of the well-being of the child.
- Employees who have access to information regarding suspected or disclosed child abuse have the obligation to observe confidentiality in relation to the entire matter.
- Employees must avoid any false, exaggerated or unjustified assertions that they may infringe the good name of, or honour due to, another person.
- The Principal is to ensure that the College's pastoral care structures address issues of child abuse making appropriate provision for the support of children, families and employees directly involved.

This Policy document is intended to be provided and made available to staff including employees, volunteers and contractors during their employment or engagement with the College to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in Victoria:

Children, Youth and Families Act 2005 (Victoria)  
 Working with Children Act 2005 (Victoria)  
 Crimes Amendment (Grooming) Act 2014 (Victoria)

Lavalla Catholic College will ensure that it fully complies with all relevant government legislation and all requirements of the Roman Catholic Church and the Institute of the Marist Brothers in respect of Child Protection.

There are number of other College policies that relate to child protection which need to be read in conjunction with this policy and understood including, but not limited to:

- Access and Use of Electronic Communication and College Internet/Intranet
- Anti-Bullying Policy
- Duty of Care Policy
- Mandatory Reporting Policy

- Occupational Health and Safety Policy
- Sexual Harassment Policy
- Working with Children

This Policy and related procedures outlines the key concepts and definitions under the relevant legislation including mandatory reporters, reportable conduct, and risk management. It also sets out expected standards of behaviour in relation to employees and contractors and their relationships with students.

### **Dissemination**

All staff need to be adequately conversant with the principles and procedures of this policy, and their pursuant responsibilities. Annual training sessions, with mandatory and recorded attendance, will be organised to ensure this.

It is the responsibility of the Principal to ensure that staff and volunteers are aware of the structures, policies and procedures for child protection, and that all information on this is readily accessible.

Children and young people in the care of the College need to be made aware of their rights and the means they have for reporting abuse and suspicion of abuse.

Information that needs to be easily accessible includes:

- to whom and how to make a report
- contact details for child protection agencies, police and relevant government agencies, emergency medical help, relevant help-lines
- contact details of parents and guardians

To be “easily accessible”, information needs to be in a language and a format that can be readily found and understood.

### **Period for Review:**

Policy is to be reviewed initially by October 2015 to ensure it is compliant with most recent legislation in Victoria.

Subsequently it is to be reviewed every two years.

## Child Protection Policy Implementation Procedures

### 1. Introduction and Purpose

The Child Protection Policy Implementation Procedures (**the Procedures**) are intended to benefit all members of the College by providing for the welfare and protection of staff and students and ensuring that:

- the productive rapport between staff and students is maintained;
- all staff adhere to and support College policies in dealings with students and parents;
- proper respect for confidentiality is maintained in matters concerning staff and students;
- all staff are aware of their legal and moral responsibilities.

These Procedures are provided to assist Lavalla Catholic College staff members in defining professional boundaries and acceptable practices in their interactions with students. It is hoped that they will also encourage them to think about areas of concern or situations that may place them at risk and to take appropriate action to manage those risks. The document, therefore, is not intended to cover every possible situation.

Lavalla Catholic College subscribes to the principles, protocols and standards of practice embodied in the documents Towards Healing and Integrity in Ministry. These documents can be accessed at [www.catholic.org.au](http://www.catholic.org.au).

The Procedures also need to be read in conjunction with the Victorian Teaching Profession Code of Conduct. This can be accessed at <http://www.vit.vic.edu.au/conduct/victorian-teaching-profession-code-of-conduct/Pages/default.aspx>

### 2. Scope

The Procedures apply to all staff engaged directly or indirectly by Lavalla Catholic College (**the College**) including employees, religious, casual employees, volunteers, and contractors, so that they can meet professional and ethical standards of behaviour and act in accordance with the mission, vision and values of the College.

### 3. Management of child protection at Lavalla Catholic College

- a. The College has in place a Leadership Team, which part of its ambit is **professional standards**, the responsibilities of which include:
  - Policy development, oversight and review in relation to Child Protection;
  - Organisation of appropriate staff training in relation to Child Protection;
  - Provision of advice to the Principal regarding specific issues and cases in relation to Child Protection.
  - The membership of the Leadership Team comprises: Principal, Campus Director – St Paul’s Campus, Campus Director – Kildare Campus, Director of Creative and Strategic Development, Director of Mission and Ministry and Business Manager.
  - The Leadership Team meets fortnightly. Matters relating to Professional Standards and Child Protection will be addressed once per term and more regularly as required.
  - In relation to Professional Standards and Child Protection, the team can seek advice from:
    - Staff in welfare positions, including the College Counsellors;
    - Other staff with relevant experience and qualifications;

- Catholic Education Office Sale;
- Marist Schools Australia;
- Other reputable and experienced providers of support in relation to Professional Standards and Child Protection.

- b. The College has a team of staff appointed and trained as a Child Protection Officers. The team consists of: Campus Director – St Paul’s Campus, Campus Director – Kildare Campus, Welfare & Wellbeing Leader – St Paul’s Campus, Welfare & Wellbeing Leader – Kildare Campus, Counsellor St Paul’s Campus and Counsellor Kildare Campus. There must be at least one female member of this team. If that is not possible based on the gender of the specific positions outlined above, then the Principal must identify an appropriate additional person to be appointed as a Child Protection Officer.

**The Child Protection Officers:**

- Are to be well known to everyone associated the College (staff, children, parents, volunteers) as the contact people for child protection matters which will be achieved by:
  - Names and roles to be published in the College Newsletter;
  - Names and roles to be published on College Website;
  - Being highlighted during Staff Induction processes;
  - Being highlighted at Staff Meetings addressing Child Protection Matters;
- Helps to plan, organise and deliver staff training and refresher programs;
- Provides children and young people with advice and support for their safety;
- Raises staff awareness on child protection issues, and disseminates information and advice;
- Informs the Principal of any reported incident or suspicion of abuse, and provides advice to the Principal on recommended action;
- Monitors the implementation of the Child Protection Policy which includes:
  - Records of training programs for current staff – details of content and attendance to be kept. Programs will be conducted in the first and third term of every school year.
  - Ensure guidance documentation is readily available on the College’s Intranet and also make staff aware of materials supplied by external entities, particularly the DEECD;
  - Records of training for new staff – this is usually conducted during induction and if required in a specific session as soon as possible after commencement.

- c. Keeping the community informed

i. Staff

- a. At the start of each year all current staff will be instructed and reminded in the third term about:
- Professional Standards and protocols of conduct (*Appendix A*);
  - Protocols and Processes for Responding to Reports of Abuse or Risk of Abuse (*Appendix B*);
  - Recognising Child Abuse (*Appendix D*);
  - The UN Convention of the Rights of the Child (UNCRC); and
  - The College’s Mandatory Reporting Policy, with specific reference to:

- i. To discharge their mandated responsibility a teacher or principal must either make a report personally or be satisfied that the report has been made to the Child Protection unit (DHS).
- ii. It should be noted that the duty to report:
  1. applies regardless of whether the alleged suspected abuse occurred in Victoria, outside the State or on the school grounds;
  2. is not discharged when a teacher advises the principal of his or her belief. NOTE: If the principal declines to make a report to Child Protection, the teacher is still mandated to report.
- iii. It is the responsibility of the individual teacher to ensure that all reasonable grounds supporting the belief have been reported.
- iv. It is not a teacher's role to investigate or prove that abuse has taken place.
- v. Generally speaking, a teacher should seek and gain consent from a child or their parents to disclose information to Child First or Child Protection wherever possible, provided that doing so does not place the child at further risk.
- vi. However, a teacher or a nurse does not require the consent of the child or their family to make a report.
- vii. DHS personnel are responsible for contacting the parents, guardians or caregivers at an appropriate time after a notification has been made.

At these sessions all staff in attendance are recorded. Notes from each session will also be emailed to all staff.

- b. All new staff at Induction will be informed about
  - Professional Standards and protocols of conduct (*Appendix A*);
  - Protocols and Processes for Responding to Reports of Abuse or Risk of Abuse (*Appendix B*);
  - Recognising Child Abuse (*Appendix D*); and
  - The College's Mandatory Reporting Policy, with specific reference to:
    - i. To discharge their mandated responsibility a teacher or principal must either make a report personally or be satisfied that the report has been made to the Child Protection unit (DHS).
    - ii. It should be noted that the duty to report:
      1. applies regardless of whether the alleged suspected abuse occurred in Victoria, outside the State or on the school grounds;
      2. is not discharged when a teacher advises the principal of his or her belief. NOTE: If the principal declines to make a report to

Child Protection, the teacher is still mandated to report.

- iii. It is the responsibility of the individual teacher to ensure that all reasonable grounds supporting the belief have been reported.
- iv. It is not a teacher's role to investigate or prove that abuse has taken place.
- v. Generally speaking, a teacher should seek and gain consent from a child or their parents to disclose information to Child First or Child Protection wherever possible, provided that doing so does not place the child at further risk.
- vi. However, a teacher or a nurse does not require the consent of the child or their family to make a report.
- vii. DHS personnel are responsible for contacting the parents, guardians or caregivers at an appropriate time after a notification has been made.

Each inductee should sign an acknowledgment of having read, understood and accepted the Child Protection Policy and Procedures.

ii. Students

- a. During Learning Advisor classes during first term and reminded in the third term of:
  - Potential risks to their personal safety;
  - To who they should report concerns (specifically identifying current Child Protection Officers); and
  - Protocols and Processes for Responding to Reports of Abuse or Risk of Abuse.

iii. Parents/Guardians

- a. Parents will be informed about Child Protection matters and related policies and procedures by:
  - Direct reference in College Newsletter, which is emailed to each family, in first and third term each year and will make known:
    - The policy and procedures;
    - How they can be accessed;
    - Contact details for child protection agencies, police and relevant government agencies, emergency medical help, relevant help-lines; and
    - To who they should report concerns (specifically identifying current Child Protection Officers);
  - Link on College's Internet/Intranet to the policy and guideline;
  - Appendix D is also to be available on the Internet/Intranet as a resource for parents/guardians;
  - At start of year information sessions held on each campus.



#### **4. Prevention**

Procedures that are set out in this document aim to remove as much as can be reasonably foreseen, the likelihood of children being abused by those in positions of trust. Whilst it is not possible to give an absolute guarantee to ensure the safety of the children under the care of the College, all possible measures are taken through this policy to help minimise such dangers.

- a. Key preventative strategies include
  - employment screening procedures as per the College's Working with Children Checks Policy (currently in draft);
  - induction and on-going training in this policy and related policies;
  - implementation of the Code of Conduct for Marist Personnel (Appendix A);
  - education of children and young people so that they can recognise grooming behaviours and malevolent intent towards them, and can respond in ways that keep them safe and protect them.

#### **5. Understanding and recognising abuse and harm, and the risk of such**

All staff Personnel are required to be trained in understanding what constitutes harm and abuse, and when children and young people may be at risk of abuse or harm.

#### **6. Responding and Reporting**

The state of Victoria makes it mandatory for employees to report abuse and reasonable suspicion of abuse involving children and young people. The College shall have in place clear and appropriate strategies for staff members, and young people to report abuse and suspected abuse, and shall have instruction in how to follow these strategies – see Appendices B and E.

In the event of a child or young person disclosing an incident of abuse to someone they trust, it is essential that it is dealt with sensitively and professionally.

In the case of an allegation being made against a Brother, a member of staff or a volunteer, the Province Professional Standards Officer or Province Ministry Leader /Child Protection Officer will follow the reporting procedure as required by law or the Church – see Appendix B. Steps are taken to ensure that the safety of the child is paramount. An initial first step is to withdraw the accused person accused from active duty, which could entail standing down, re-assignment to other duties that do not have direct contact with children or young people, or to work under increased supervision during the period of investigation or other measures as deemed appropriate – depending on the seriousness of the allegation.

An independent investigation is to be conducted into the allegation, if appropriate, and allowed by Police. The outcome depends on the findings of the investigation.

The Province Professional Standards Officer will provide guidance on confidentiality and information-sharing which makes clear that the protection of the victim is the most important consideration.

#### **7. Record-keeping**

- a. All reports of alleged abuse or harm, or risk thereof, are to be duly recorded.<sup>18</sup>
- b. Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable.

- c. Reports need to be securely stored.

### **8. Confidentiality**

As much as is reasonably possible, an individual's right to privacy is to be protected. This occurs principally by carefully following the processes outlined in this policy. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where there is suspected or alleged abuse or misconduct, staff members must not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this policy and relevant statutory requirements.

Any person making a credible report of abuse needs to be advised that the report will be investigated and dealt with by the appropriate authorities. While an individual's name may be protected, if that is their wish, the allegations must always be reported.

All relevant information held by the College must be provided upon request to the Province Professional Standards Officer and to duly authorised government agencies or a court of law.

All pertinent information should be disclosed to an appointed investigator or to the police in a properly established investigation following a report of abuse or suspected abuse.

### **9. Provision of Advice and Support**

The Principal will ensure that advice and support, including from specialists as appropriate, are provided to victims, complainants, people who are accused, and people who are associated with each of these.

The College will provide training for Child Protection Officers to carry out his/her job effectively, including the necessary education and support in responding to allegations of abuse and professional training for dealing with the media.

### **10. Collaboration and case management**

The College will actively collaborate with police, government, Church and other agencies, and relevant professional bodies (such as teacher registration bodies) in the best interests of children and young people.

In all cases of reportable behaviour or suspicion, the relevant agencies will be informed. All reportable behaviour is also communicated by the Province Professional Standards Officer to the relevant Catholic Church Professional Standards Office.

The Province will cooperate with relevant Church and statutory authorities as required by the policies, principles and standards used by the Australian Catholic Bishops Conference and Catholic Religious Australia.

### **11. Clarification**

If a member of staff is in doubt about the interpretation of these procedures, then they should initially discuss them with the Campus Director.

### **12. About the Procedures**

The Procedures are intended to be a living, working document and may be varied by the College from time to time in the event of any information coming to hand that would demonstrate the need

for a review, or of any legislative or organisational change that would require a review. The College welcomes any comments or suggestions for improvements. These can be directed to any member of the Leadership Team.

**13. Period for Review:**

These Procedures will be reviewed at the same time as the Policy. This will initially be by October 2015 to ensure it is compliant with most recent legislation in Victoria.

Subsequently it is to be reviewed every two years.

## Definitions

<b><i>Allegation</i></b>	A first-person accusation of abuse of a minor brought against a current Member, former Member, or deceased Member which is reported to the Institute through any form of communication, including any that are anonymous.
<b><i>Brother</i></b>	A professed member of the Institute, for whom the Institute has responsibility under its Proper Law.
<b><i>Child or Young Person</i></b>	Anyone under the age of 18.
<b><i>Child Pornography</i></b>	Any activity which involves a graphic/visual depiction of a minor that is sexually explicit.
<b><i>Church</i></b>	The Roman Catholic Church.
<b><i>Church Authority</i></b>	Within the Catholic Church each entity has a leader as defined by Church law. In the case of a Religious Institute, this is the Provincial or Superior General.
<b><i>Church Professional Standards Officer</i></b>	The person engaged by the Church to manage reports of abuse of children and young people in the care of a Church agency or member, according to Church policies and protocols, and relevant statutory requirements.
<b><i>Confidential</i></b>	Private information which shall be kept restricted from others and only be disclosed to an authorised person for legitimate reasons of the Institute or because the disclosure is legally required.
<b><i>Credible allegation</i></b>	Based upon the facts and the circumstances, it appears that the accusation has substance and it is likely that an incident of abuse of a minor has occurred.
<b><i>Duty of care</i></b>	A duty imposed by the law to take care to minimise the risk of harm to another.
<b><i>Employee</i></b>	This term includes a paid workplace participant and any other person who is engaged to carry out work at a Province Ministry for financial reward. In the way used in this document, the term includes any Cleric and any Brother appointed to a role at a Province Ministry.
<b><i>Executive Director of Marist Ministries (EDMM)</i></b>	is the person appointed by the Provincial with the responsibility of oversight and management of Marist Ministries.
<b><i>Grooming</i></b>	An act or behaviour which intended to win the trust or allegiance of a child in order to make them vulnerable or less alert to potential abuse.
<b><i>Institute</i></b>	The religious Institute of the Marist Brothers.
<b><i>Marist Personnel</i></b>	An employee, paid workplace participant or volunteer.
<b><i>Province</i></b>	<b><i>Ministry</i></b> Includes schools and bodies corporate, organisations, associations or work groups, that exercise Ministry within, or on behalf of the Province.
<b><i>Province Ministry Leader</i></b>	is the person appointed by the Province to be the leader of a Province Ministry and who has the delegated authority to administer and manage the Ministry; otherwise the person who has the authority to act in the position of Province Ministry Leader from time to time.

<b><i>Marist Schools Australia (MSA)</i></b>	the collective of Catholic schools which shape their identity and mission through the spirituality and educational approach that was introduced into the Church by St Marcellin Champagnat. MSA provides its member schools with leadership, support and, where applicable, governance.
<b><i>Ministry</i></b>	the work involved or the situation which exists when one person has responsibility for the well-being of another. All work involved with the supervision or education of children and young people is a Ministry and, where the context allows in this Policy, so is an institution, agency, project or programme conducted by the Province corporately, or by Brothers or Marist Personnel individually.
<b><i>Ministry Professional Standards Committee (MPSC)</i></b>	The group appointed by the Provincial and Mission Council for guidance and advice on current child protection matters in Province Ministries.
<b><i>Minor</i></b>	Anyone under the age of 18.
<b><i>Paid workplace participant</i></b>	is any person who is employed by the Province on a casual, fixed term or continuing basis, either pursuant to a contract of employment, or appointed to a role at an Province Ministry by the Province.
<b><i>Proper Law</i></b>	The canonical statutes under which the Institute operates within the Church. They include Constitutions of the Marist Brothers and other regulations that may from time to time be promulgated.
<b><i>Province Administration</i></b>	Those personnel who are employed by the Province to lead, serve and support Brothers' communities and Province Ministries.
<b><i>Province Professional Standards Officer Provincial</i></b>	The person delegated by the Provincial to manage the implementation of this policy and cases that pertain to it. The Brother appointed by the Superior General to be the leader and major superior of a Province of the Institute.
<b><i>Provincial Council</i></b>	The group of Brothers elected by other Brothers of the Province, and required by the Institute's Proper Law, to advise the Provincial on certain matters. The Provincial and Provincial Council, for the time being, also constitute the Trustees of the Marist Brothers in civil law.
<b><i>Province Mission Council</i></b>	Someone who, through some charge or investigative process regarding children and young people are considered in need of supervision or limitation of ministry, and for whom the Institute retains responsibility.
<b><i>Rights</i></b>	Entitlements to which one has a just claim.
<b><i>Trustees</i></b>	The Trustees of the Marist Brothers, a body corporate under the Roman Catholic Church Communities' Lands Act (NSW) 1942, comprising the Provincial and Provincial Council for the time being.
<b><i>Types of child abuse</i></b>	<i>Physical abuse:</i> This includes any actions that cause harm to children and young people. It also involves the failure to act to protect children and young people. <i>Emotional abuse:</i> This involves emotional ill-treatment of children and young people.

***Sexual abuse:*** This involves contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact, as well as sexual non-contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.

***Neglect:*** This involves any omission where a child or young person suffers significant harm or impairment development.

***Volunteer***

is any person who gives freely of his or her time and experience to participate in activities and perform work for the Province. The relationship between the volunteer and the Province is not bound by a contract of employment and no payment is made by the Province to the volunteer or anybody on their behalf, for the work performed.

*APPENDIX A***SOME MARIST PROTOCOLS OF CONDUCT FOR MINISTRY WITH CHILDREN AND YOUNG PEOPLE**

Any form of abusive, harmful, discriminatory, prejudiced or intimidating behaviour or language by adults towards children and young people, or young people towards other young people, are not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are negatively and unreasonably critical of a person's culture, ethnicity, language, gender, disability, sexuality or age, are unacceptable.

In their interactions with children and young people, Marist Personnel must not confuse characteristic Marist style with behaviours and dispositions that are inappropriate. While Marists are encouraged to conduct their ministry in ways that see them actively present in the lives of the young, and with a style that is unaffected and proximate, they should never lose sight of the imperative for them always to act as the adults and the educators in the relationship.

**General Conduct**

- The values of the Catholic Church and Marist Education are to be supported and espoused in the teaching and learning environment of the College. The Church's social doctrine constantly points out the need to respect the dignity of children.
- College staff are called to be role models for students and to ensure that their relationship with them is consistent with their high calling and without any hint of impropriety.
- All members of staff are expected to be courteous and considerate in their dealings with each other and to have their individual differences respected.
- At all times members of staff are to use temperate and prudent language.
- The College's stated procedures relating to camps, excursions, retreats etc., need to be followed as the basis for all College organised functions.
- Individual interviews with students should be conducted with a clear purpose and in a non-compromising environment.
- Teachers should model and encourage in their students a love of learning and a discipline of study.
- The College does not tolerate bullying in any form. For any concerns about bullying please refer to the College's Anti-Bullying Policy

**Professional Conduct of Staff**

- In performing their duties staff are expected to respect the teachings and values of the Catholic Church, support the philosophy, spirituality and pedagogical style of the Marist Brothers and conduct themselves in a way which is consistent with these ideals.
- They have a responsibility to meet the high standards of professional and ethical behaviour expected by the Marist Brothers (which conducts the College), students' families, Victorian Institute of Teachers, and the Catholic and wider community.
- Staff must undertake their responsibilities within the framework of the law and lawful instructions from the College. They must comply with legislative and industrial requirements, with these Procedures and any policies and procedures that are implemented by the College.
- The College and all staff have a legal duty of care to students while they are in the care of the College. This duty of care requires staff to take reasonable steps to protect students from a reasonably foreseeable risk of harm. This duty applies equally to school-based activities and out-of-school activities involving the College.

- The College and staff cannot delegate the responsibility of exercising their duty of care.
- If members of staff are in any doubt about their relationship with a student, or about the inappropriate action of a colleague, they should discuss the situation with a member of the Leadership Team or Child Protection Officer as soon as practicable.

### **Supervision of Students**

- Members of staff must take all reasonable care to ensure that no student is exposed to any foreseeable risk of harm. This duty includes minimising risk of harm to students.
- Injured or ill students should be attended to by the supervising staff member. Should additional assistance be required, supervising staff should contact the appropriate colleague according to the relevant College procedures.
- Students should not be left unsupervised either within or outside the classroom and all staff reminded of their duty of care and obligations in this regard, Teachers should be punctual to class and allocated supervisions.
- Supervising staff should remain with students at after-school activities until all students have been collected. In the event that a student is not collected, contact should be made with a parent/guardian of the student where possible. Supervising staff should then remain with the student until collected, giving due consideration to the age of the student, the time and the location.
- Yard supervision is an integral part of teacher responsibility. It must take precedence over other activities. Teachers should actively supervise their designated area, being vigilant and constantly moving around.
- Staff should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member according to relevant College procedures.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour.

#### **1. Unacceptable behaviours**

- a) Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b) Using, possessing, or being under the influence of alcohol while supervising minors. This does not include situations where it is reasonable for the person to possess alcohol (e.g. for a presentation at a formal occasion) or use it moderately (e.g. at a dinner or formal occasion which the person may be attending and at which the person is not directly responsible for the care of the child or young person.)
- c) Providing or allowing minors to consume alcohol or illegal drugs.
- d) Swearing in the presence of minors.
- e) Yelling at a minor, except in an emergency situation where the minor's safety may be in danger.
- f) Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- g) Dealing with a minor while the adult is angry with the minor.
- h) Use of hurtful sarcasm.
- i) Discussing sexual activities with minors unless it is a specific job requirement and the person is trained to discuss these matters.
- j) Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics.
- k) Being nude in the presence of minors.



- l) Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
- m) Sleeping in the same beds, sleeping bags or small tents with minors.
- n) Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.
- o) Engaging in conduct of a sexual nature with a student by a staff member includes sexual intercourse and any other form of sexual misconduct. Sexual misconduct includes: obscene language of a sexual nature; suggestive remarks or actions; jokes of a sexual nature; obscene gestures; unwarranted and inappropriate touching; sexual exhibitionism; personal correspondence with students in respect of sexual feelings for the student; deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual; possession, distribution or display of pornography; electronic transmission of messages or files which are sexually explicit, contain sexual innuendo, are offensive or contain inappropriate jokes; sending sms (text) messages which are sexually explicit, contain sexual innuendo, are offensive or contain inappropriate jokes; inviting students to participate in inappropriate social media activities.

## **2. Transportation and off-site events**

- a) Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport minors without written permission of their parent or guardian.
- b) It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c) Minors should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
- d) It is prohibited to have minors spend the night at the residence of a staff member or Brothers' community without parental/guardian prior approval.
- e) Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

## **3. Physical Contact and General Procedures**

- a) Staff members are prohibited from using physical discipline in any way for behaviour management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by minors.
- b) Physical contact may be required in an emergency situation to remove minors quickly from danger or threat of danger.
- c) Appropriate contact between staff members and minors is part of normal human relationships. Some considerations and guidelines include the following:
  - I. Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
  - II. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements. They should not locate themselves between the student and the door.
  - III. A member of staff should avoid situations where they are alone in an enclosed space with a student.
  - IV. Be alert to cues from minors about how comfortable they are in your proximity and respect their need for personal space.

- V. Be sensitive when interacting with minors who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
- VI. As part of their pastoral care role a member of staff may engage in discussion with students. This is entirely appropriate. However, they must be cautious of making personal comments about a student or asking questions that probe their own or the student's sexuality or relationships.
- VII. Be aware of cultural norms that may influence the interpretation of your behaviour.
- VIII. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
- IX. Physical contact should be made in a way that makes minors feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a minor or allowing a minor to massage you is inappropriate physical contact.
- X. Assessing a student who is injured or ill may necessitate touching. Members of staff should always advise the student of what they intend doing and seek their agreement.
- XI. The use of images of minors as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of minors must be for educational or professional purposes.
- XII. Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
- XIII. Obtain permission from school authorities and parents when meeting with students for activities outside of school hours.
- XIV. The provision of your personal contact details should be justified in terms of educational or professional purpose.
- XV. Should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with a member of staff, then they should take immediate steps to discourage the student and report the matter to the Director of the Campus or the Principal as soon as practicable.

APPENDIX B

**PROTOCOLS AND PROCESSES FOR RESPONDING TO REPORTS OF ABUSE OR RISK OF ABUSE**  
*Flow Chart for Responding to Suspicions, Reports and/or Allegations of Abuse of Children in Schools governed by the Marist Province of Australia (unless State protocols demand otherwise)*

A staff member becomes aware of or has reasonable grounds for suspecting incident(s) of abuse of a student in the care of a Marist school.  
*(A staff member can be an employee, volunteer, or intern)*



As soon as possible – and in not more than 12 hours – the staff member reports the incident(s) or suspicion to a Child Protection Officer (CPO) for that school.  
*(The staff member may alternatively report directly to the Principal if the CPO is not readily available or simply by preference)*



The CPO makes a written record of the complaint, allegation or suspicion, using APPENDIX E, and reports it without delay to the Principal, with advice on how to proceed.  
*(If the allegation, complaint or suspicion refers to the Principal, the CPO reports it directly to the Marist Schools Australia Regional Director)*



The Principal acts in full compliance with relevant State legislation, and makes a determination as to whether the matter is to be reported.  
*(The Principal may seek advice from the MSA Regional Director, the PPSO, a relevant government agency, and/or Province lawyers before making this determination.)*



If the matter is reportable, the Principal reports it (to police, Child Protection, and/or other government agency as required by law) and also informs the MSA Regional Director who may also consult with the PPSO. In the case of a Brother, the Provincial is also informed. If the complaint alleges that a crime has been committed by a Marist staff member, that person is immediately stood aside.



If the matter is not reportable (or is reportable but does not involve the police) and the complaint involves a member of staff and/or allegedly happened while the minor was in Marist care then the Principal establishes a suitably independent investigation by a person qualified to do so.  
*(The outcome of this investigation may be that the matter is judged to be reportable, in which case it follows the flow on the left of this chart.)*



Investigations take their course and their outcomes determine subsequent actions, as required by law and by prudent management practice.  
A written report of either progress or finalisation is filed and also forwarded to the MSA Regional Director who submits it to the Ministries Professional Standards Committee for review.

**1. Further explanation of the processes in the foregoing flowcharts:*****(Unless State protocols demand otherwise)***

- a) There will be at least one Child Protection Officer (CPO; howsoever named) appointed for each campus, who is appropriately trained in relation to child protection, bullying and sexual harassment matters, to whom people can refer complaints or concerns.
- b) The CPO will make a written record of each complaint or concern.
- c) The CPO will in the first instance refer the complaint to the Principal (unless for reasons of preference or expediency the report was made directly to Ministry Leader or to the Province Professional Standards Officer).
- d) Where staff or students at the college are involved and a complaint or concern relates to the actions of the local Principal, the referral should be made to the Regional Director of Marist Schools Australia to pass on to the PPSO and Provincial for action.
- e) The Principal must comply with State or Territory legislation in relation to the matter and decide on the next step. This may involve mandatory notification to the Police, Department of Human Services - Child Protection, and the Victorian Institute of Teaching. It may also involve the accused standing aside from normal duties while the matter is resolved.
- f) The Principal will immediately inform the Regional Director of Marist Schools Australia for information and advice on a matter of sexual abuse. The RD will immediately inform the PPSO if it involves a Brother.
- g) The Principal is responsible for a sufficiently independent investigation of the matter by a qualified person, where police are not involved.
- h) If a Brother is the accused, the Principal will liaise with the PPSO in setting up the investigation. The Principal and the Provincial will decide together on any action after the investigation (the Provincial seeks advice from Province lawyers, the Province Professional Standards Officer and Province Professional Standards Advisory Committee on any action to be taken).
- i) Where there is a Child Protection matter of any sort reported that involves a Brother, the EDEMM or the PPSO will inform the Provincial of the matter.
- j) If it is considered that there is a possibility of media exposure, the Principal will inform the Regional Director of Marist Schools Australia/EDMM who will in turn inform the Provincial and the PPSO.
- k) If the Police notify the Principal of an investigation, he or she will inform the Regional Director of Marist Schools Australia or the EDMM. The Province Professional Standards Officer and Provincial will be informed if a Brother is involved.
- l) When a matter is finalised, the Principal will forward a report to the Regional Director of Marist Schools Australia for his information and the information of the Ministries Professional Standards Committee.

*APPENDIX C***PRACTICAL ADVICE ON LISTENING TO A COMPLAINANT**

In the event of someone disclosing an incident of abuse or making a report to someone they trust, it is essential that it is dealt with sensitively and professionally. The following are guidelines to assist the person who receives the allegation. The person making the report may be a child or young person, an adult who is a former student or client, a relative or friend, a colleague.

- React calmly.
- Listen carefully and attentively. Take the person seriously.
- Reassure the person that they have taken the right action in coming forward.
- Do not promise to keep anything secret. Indicate you may be required to report abuse allegations to authorities.
- Ask questions for clarification only; do not ask leading questions.
- Check back with the person that what you have heard is correct and understood.
- Do not express any opinions about the alleged abuser personally, but you may affirm your position and that of the Marist Brothers towards child abuse in general.
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record (use the recording form contained in this Policy).
- Ensure that the person understands the procedures which will follow.
- Pass the information to the Child Protection Officer or Head of Ministry (as appropriate). Do not attempt to deal with the problem alone.
- Treat the information confidentially.
- Be aware that in some cases, mandatory reporting may apply e.g reporting to police.

*APPENDIX D***RECOGNISING CHILD ABUSE****1. Possible Physical and Behavioural Indicators of Child Abuse****a) Physical**

Physical abuse is any form of non-accidental physical injury or injury which results from wilful or neglectful failure to protect a child or young person. Possible indicators of this type of abuse are:

- Frequent bruising, fractures, cuts, burns and other injuries
- Torn clothing
- Bite marks, burns or welts
- Bruises in places difficult to mark e.g. behind ears, groin
- Undue or unnecessary fear
- Aggressiveness or withdrawn
- Absconding frequently from home

**b) Sexual**

Sexual abuse occurs when a child or young person is used by another person for his or her gratification or sexual arousal or for that of others. Possible indicators of this type of abuse are:

- Over affectionate or inappropriate sexual behaviour
- Age inappropriate sexual knowledge given the child or young person's age, which is often demonstrated in language, play or drawings
- Fondling or exposure of genital areas
- Hints about sexual activity
- Unusual reluctance to join in normal activities which involve undressing, e.g. games, swimming

**c) Emotional**

Emotional abuse is normally to be found in the relationship between a care-giver and a child or young person rather than in a specific event or pattern of events. It occurs when a child or young person's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Possible indicators of this type of abuse are:

- Unreasonable mood and/or behavioural changes
- Aggression, withdrawal or an "I don't care attitude"
- Lack of attachment
- Low self esteem
- Attention seeking
- Depression or suicide attempts
- Persistent nightmares, disturbed sleep, bedwetting, reluctance to go to bed
- A fear of adults or particular individuals e.g. family member, baby-sitter or indeed excessive clinginess to parents/carers
- Panic attacks

**d) Neglect**

Neglect can be defined in terms of an omission, where the child or young person suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical

care. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. Possible indicators of this type of abuse are:

- Frequent minor or serious injuries
- Untreated illness
- Hunger, lack of nutrition
- Tiredness
- Inadequate and inappropriate clothing
- Lack of supervision
- Low self esteem
- Lack of peer relationships

## **2. Indicators of Abuse are Not Facts**

It is important to stress that no one indicator should be seen as conclusive in itself of abuse; it may indeed indicate conditions other than child abuse. A cluster or pattern of signs is likely to be more indicative of abuse. Signs must also be considered in the child or young person's social and family context as child abuse is not restricted to any socio economic group, gender or culture. It is important to always be open to alternative explanations for possible physical or behavioural signs of abuse.

## **3. Reasonable Grounds for Concern**

The statutory authorities should always be informed when a person has reasonable grounds for concern that a child or young person may have been abused, or is being abused, or is at risk of abuse. A suspicion that is not supported by any objective indicator of abuse or neglect would not constitute reasonable grounds for concern. The following examples would constitute reasonable grounds for concern:

- specific indication from the child or young person that s/he was abused;
- an account by the person who saw the child or young person being abused;
- evidence such as injury or behaviour which is consistent with abuse and unlikely to be caused in any other way;
- an injury or behaviour, which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- consistent indication, over a period of time, that a child or young person is suffering from emotional or physical neglect.

A suspicion, not supported by any objective indication of abuse or neglect, does not constitute a reasonable suspicion or reasonable grounds for concern.

## APPENDIX E

**REPORT OF ALLEGATIONS OF ABUSE****1. About the disclosure/concern**

Date of disclosure/concern:		Time of disclosure/concern	
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How was information received? (attach any written information to this form)

Telephone	
Letter	
Email	
In person	

**2. Details of person making disclosure/raising concern**

Name:	
Address:	
Tel No:	
Mobile No:	
Email	
Relationship to child/young person or alleged victim:	

**3. Details of child/young person or alleged victim**

Name:	
Date of Birth:	
Address:	
Tel No:	
Mobile No:	
Email	
Ethnicity:	
Language (is interpreter/signer needed):	
Disability:	
Special needs:	

**4. Parent / Guardian details (where appropriate)**

Name:				
Address:				
Tel No:				
Mobile No:				
Email				
Are they aware of the allegation, suspicion or complaint?	Yes		No	



**5. Details of alleged perpetrator**

Name:	
Date of Birth:	
Address:	
Tel No:	
Mobile No:	
Email	
Relationship to child <i>(parent/Religious Brother/teacher, etc)</i>	
Position:	
Address at time of incident(s):	
Current contact with children or young people if known	
Any other relevant information:	

**6. Details of concern, allegation or complaint** *(Include dates/times and location, the incident(s) occurred, witnesses, if known. Does the child or young person/victim know this referral is being made?)*


**7. Action taken**

Has the matter been referred to civil authorities?	Yes		No		
If yes,	Date:		Time:		
If no, explain why:					
To whom was it referred:					
	Name:				
	Position: _				

	Address:	
	Tel No:	
	Mobile No:	
	Email:	

**8. Next Steps**

What actions were agreed to and by whom when the matter was referred onto civil / Province authority?


*Are there any immediate child protection concerns? If so, please record what they are and state what actions have been taken by whom to address them:*


**9. Province Professional Standards Officer details:**

Date form sent to the PPSO:	
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**10. Details of person completing the form**

Name:			
Date of Birth:			
Address:			
Tel No:			
Mobile No:			
Email:			
Position:			
Date Form completed:		Time:	
Signed			

*(A copy must be retained by the local school and filed in a secure location, and a copy must be sent to the Province and civil authorities, where appropriate)*