

MERCY EDUCATION POLICY



OUR LADY OF MERCY COLLEGE CHILD SAFETY and WELLBEING POLICY

Introduction:

Our Lady of Mercy College (OLMC) is operated and governed by Mercy Education Limited (Mercy Education). Mercy Education has no tolerance for all forms of child abuse. Mercy Education has a moral and legal obligation, an over-arching commitment and non-delegable duty to ensure that its children and young people are safe and secure while fostering their growth in a faith-centred community.

Child safety and wellbeing are at the core of Mercy Education's mission and operations and its schools promote safe, inclusive and welcoming learning environments. The Mercy Education Board approves and oversees the implementation of child safety and wellbeing policies, codes of conduct, reporting and recordkeeping procedures across all Mercy schools and throughout the organisation. This is in accordance with relevant state and federal legislation and Diocesan regulations and through its executive personnel at the National Office of Mercy Education Ltd.

OLMC holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility.

Our commitment is drawn from and inherent to the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel (VCEA Commitment Statement to Child Safety).

Our Mission, Vision and Values statement attests to our commitment to nurturing a school environment where students are respected, their voices are heard and they feel safe. This policy gives expression to these commitments and to the College's steadfast resolve to provide a safe and secure environment for students.

Purpose:

The purpose of this policy is to demonstrate and support the commitment of Mercy Education and OLMC to the care, safety and wellbeing of children and young people through leadership, governance, operations and culture.

This policy provides an outline of the policies, procedures, actions and strategies that will be implemented to ensure that a child safe culture is championed and modelled at all levels of the organisation to keep students safe from harm, including all forms of abuse in our school environment.

This Policy is aligned with the relevant legislative requirements within the State of Victoria, including the specific requirements of the Child Safe Standards as set out in *Ministerial Order No. 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises.*

Policy Coverage:

This policy applies to all Mercy Education and school employees, contractors, clergy and volunteers whether or not they work in direct contact with students. It also applies to College Advisory Council members (as volunteers) and applies in all school environments and boarding environments (where relevant).

This policy also applies to all physical and online school environments used by students during or outside of school hours, including other locations provided for a student's use (for example, a school camp) and those provided through third-party providers.

The Policy should be read in conjunction with the following related school policies and procedures:

1. PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy
2. Mercy Education Code of Conduct (Employees and Volunteers)
3. OLMC Child Safety: Student Rights and Responsibilities
4. OLMC Reportable Conduct Policy

Our Lady of Mercy College Policy Statement

Everyone employed or volunteering at OLMC has a responsibility to understand the important and specific role they play individually and collectively to ensure a child safe culture in which the wellbeing and safety of all children, young people and students is at the forefront of all they do and every decision they make (VCEA Commitment Statement to Child Safety).

Roles and Responsibilities

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

College Leadership

The Principal, the College Council and school leaders recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Their responsibilities include:

- creating an environment for children/young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, volunteers and contractors

- promoting models of behaviour between adults and children/young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to children/young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order 1359
- ensuring the school takes specific action to protect children/young people from abuse in line with the three new criminal offences introduced under the *Crimes Act 1958* (Vic.) and in line with [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)
- ensuring the school understands and reports all matters that may constitute reportable conduct under the Reportable Conduct Scheme and in accordance with the College's *Child Protection Reporting Obligations Policy*
- sharing information under legislated information sharing schemes (in accordance with the school's prescribed role as an Information Sharing Entity (ISE)).

School staff

(inclusive of school employees, volunteers, contractors and clergy)

Their responsibilities include:

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

Principles

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

The following principles underpin our commitment to child safety and wellbeing at OLMC:

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect
- Our school partners with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and wellbeing

- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/carers
- All adults in our school, including teaching and non-teaching staff, contractors, clergy and volunteers, have a responsibility to
 - care for children and young people
 - positively promote their wellbeing
 - identify and mitigate risks related to child safety and wellbeing in the school environment
 - protect them from any kind of harm or abuse
 - Encourage and support children and young people to express their culture and enjoy their cultural rights.
- Our school community is committed to equity and inclusion and recognising and respecting the diverse needs of all children
- All adults in our school will take all reasonable measures to prevent child abuse and harm resulting from discrimination based on disability, race, ethnicity, religion, sex, intersex status, gender identity or sexual orientation
- All members of the school community (including students and their families) are kept informed of child safety and wellbeing matters (where appropriate) and are encouraged to promote child safety and wellbeing
- Employees, (including contractors and clergy), volunteers, parents and students should feel free to raise concerns about child safety and wellbeing, knowing these will be taken seriously by school leadership
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally (including under legislated information sharing schemes being Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS)) or pastorally.

Policy Commitments

All students enrolled at our school have the right to feel safe and be safe. We aim to create a child-safe and child-friendly environment where children and young people are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, children with a disability, children who are unable to live at home, international students and LGBTIQ+ (lesbian, gay, bisexual, trans and gender diverse, intersex and queer) students.

Our commitment to our students

We commit to:

- the safety and wellbeing of all children and young people enrolled in our school
- providing children and young people with positive and nurturing experiences
- encouraging and actively supporting Aboriginal and Torres Strait Islander children to express their culture and enjoy their cultural rights

- paying 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 LGBTIQ+ students
- listening to children and young people, and empowering them by ensuring that they understand their rights (including to safety, information and participation), and by taking their views seriously and addressing any concerns that they raise with us
- taking action to ensure that children and young people are protected from abuse or harm
- ensuring that the needs of all children and young people enrolled in our school are met, including those who are most vulnerable
- recognising the importance of friendships and to encouraging support from peers, to help children and young people feel safe and less isolated
- developing a culture that facilitates and provides opportunities for children and student participation, and that strengthens the confidence and engagement of children and students by being responsive to their input
- teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing
- empowering children and educating them about their rights (including to safety, information and participation), how to raise concerns, how to maintain their personal safety and wellbeing, and how to support the safety and wellbeing of other children
- seeking input and feedback from students regarding the creation of a safe school environment.

Our commitment to parents, guardians and carers

We commit to:

- recognising that families are the first and ongoing educators of their children
- communicating honestly and openly with parents, guardians and carers about the wellbeing and safety of their children
- engaging with, and listening to, the views of parents, guardians and carers about our child safety and wellbeing practice, policies and procedures and including them in decision-making where applicable
- transparency in our decision-making with parents, guardians and carers where it will not compromise the safety of children or young people
- open engagement and communication with parents, guardians and carers about our child safe approach and our operations and governance related to child safety and wellbeing
- ensuring that relevant information relating to child safety and wellbeing is accessible to parents, guardians and carers
- acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues
- continuously reviewing and improving our systems to protect children and young people from abuse.

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

We commit to:

- providing all school employees and volunteers with the necessary support to enable them to fulfil their roles, and to ensure that employees and volunteers are attuned to signs of harm and can facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns. This will include regular and appropriate learning opportunities
- providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and wellbeing, and young people's protection and wellbeing. This will include annual training in Safeguarding Essentials, and the principles and intent of the Child Safety and Wellbeing Policy (this Policy) and Mercy Education Code of Conduct, and employee responsibilities to report concerns
- listening to all concerns voiced by OLMC employees and volunteers about keeping children and young people safe from harm
- providing opportunities for OLMC school employees and volunteers to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

Privacy and information sharing

Our school is bound by the Australian Privacy Principles contained in the [Australian Privacy Act 1988 \(Cth\)](#) and the Health Privacy Principles set out in the [Health Records Act 2001 \(Vic\)](#).

The Mercy Education Privacy Policy sets out the types of information that we collect about:

- students and prospective students, and their parents, guardians and carers
- job applicants, staff members, volunteers and contractors
- other people who come into contact with Mercy Education.

It also sets out how and why our school collects, holds, uses, discloses, secures and stores the information.

Our school is a prescribed Information Sharing Entities (ISE). This means that we are able to collect and share confidential information with other ISEs to promote child wellbeing or safety under the Child Information Sharing Scheme (CISS) or Family Violence information Sharing Scheme (FVISS).

Recordkeeping

OLMC creates full and accurate records of school activities and decisions relating to the safety and wellbeing of students.

These records are maintained as per our school record keeping procedures and the child safety and wellbeing standards set by the Public Records Office of Victoria.

These records are kept secure and protected from unauthorised access, amendment, misuse, disclosure, damage, deterioration, loss or destruction.

Procedures

The procedures for implementing, modelling and monitoring a child safe culture in schools are detailed further in OLMC Child Safety and Wellbeing Procedures.

Definitions:

Carer: someone who gives care and support to a relative or friend

Child: A child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child, however, schools owe a duty of care to all students

Child abuse: includes

- a) any act committed against a child involving
 - (i) a sexual offence; or
 - (ii) an offence according to relevant State legislation
- b) the infliction, on a child, of—
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- c) the serious neglect of a child

Child-connected work: work authorised by Mercy Education and performed by an adult in a school environment or school boarding environment while children are present or reasonably expected to be present.

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

Child safety: 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 – Victorian schools refer to Ministerial Order No. 1359.

Child physical abuse

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

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

Clergy: any cleric, member of religious institute or other persons who are employed or engaged by a Church body, or appointed by a Church body to voluntary positions, in which they work with or are near children or young people or are engaged in other forms of pastoral care or chaplaincy.

NB: Whilst specifically the definition of the word 'clergy' is for ordained persons who are religious leaders serving the needs of their religion and its members, for the purpose of this document, it includes other professed religious personnel providing pastoral care or chaplaincy services.

Conduct: the way an employee, volunteer, parent or member of the wider school community behaves in a school environment or school boarding environment.

Emotional child abuse: when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

Employee: an individual working in a school environment or school boarding environment who is:

- Directly engaged or employed by a school governing authority
- Contracted service provider (whether a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work; or
- A minister of religion, a religious leader or an employee or officer of a religious body associated with the school (ref Clergy)

Guardian: a person who has been appointed by a court or otherwise has the legal authority to make decisions relevant to the personal and property interests of another person such as a child

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

LGBTIQ+: lesbian, gay, bisexual, trans and gender diverse, intersex and queer

Mandatory Reporting: The legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical and sexual abuse. The Principal, registered teachers and early childhood teachers, school counsellors, religious clergy, medical practitioners and nurses at a school are mandatory reporters under this Act – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

Parent: applies to an individual in a parenting capacity of a child, student, prospective student or past student, including carers, guardians, and natural, step, family care giver, or adoptive parents.

Reasonable belief – mandatory reporting: When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a

reasonable belief. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

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

NOTE: the difference between the reasonable belief definitions under Mandatory Reporting and the Reportable Conduct Scheme is the category of persons who are required to, or can, form the reasonable belief which forms the basis for a report.

Reportable conduct: Reportable conduct for the purposes of the Reportable Conduct Scheme is:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child as defined in the Child Wellbeing and Safety Act 2005 (Vic).
- significant neglect

School boarding environment: any physical, online or virtual space made available or authorised by Mercy Education 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 environment: any of the following physical, online or virtual places, used during or outside school hours:

- a) A campus of the school
- b) 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

- c) 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.

Self-harm: refers to harm perpetrated against oneself. This harm may occur with or without suicidal intent.

Student: means a person who is enrolled at or attends the school or a student at the school boarding premises

Volunteer: an individual (including College Advisory Council Members) who is engaged by Mercy Education or its schools and performs work without remuneration or reward for the school environment or school boarding environment.

Young people: students aged 18 years and older that are enrolled at the school

Breach of Policy

Where a member of staff is suspected of breaching this policy, the Principal may start the process for managing employment concerns under clause 13 of the Catholic Education Multi-Enterprise Agreement 2022 (CEMEA 2022).

A referral of the breach may be required to Mercy Education, Victoria Police, Department of Families, Fairness and Housing (DFFH), Child Protection and/or the Commission for Children/Young People (CCYP). These referrals may result in disciplinary consequences.

Where the Principal is suspected of breaching this policy, the concerned party is advised to contact the Chief Executive of Mercy Education Limited. Where any other member of the School community is suspected of breaching any obligation, duty or responsibility within this policy, the School will take appropriate action in accordance with the legislation and School policies listed below.

Relevant legislation

- Children, Youth and Families Act 2005 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Worker Screening Act 2020 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Education and Training Reform Regulations 2017 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Public Records Act 1973 (Vic)
- Crimes Act 1958 (Vic.) -

Three additional criminal offences have been introduced under this Act:

1. Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
 2. Failure to protect offence: This offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
 3. Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.
4. Ministerial Order 1359 Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises

Related Documents and Policies:

Australian Catholic Safeguarding Ltd (ACSL)

- <https://www.acsltd.org.au/>
- [National Catholic Safeguarding Standards](#)

Australian Human Rights Commission: (AHRC)

- *National Principles for Child Safe Organisations*
<https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations>

Mercy Education Limited (MEL)

- *MEL Governance Charter*
- *MEL Policy 1.10 Codes of Conduct*
- *MEL 1.10a Code of Conduct*
- *MEL 1.10b Parent Code of Conduct: Respectful Relationships*
- *MEL Policy 1.06 Complaints Management*
- *MEL Policy 6.09 Child Safety*

Victorian Catholic Education Authority (VCEA)

- *VCEA Guidelines on the Employment of Staff in Catholic Schools*
- *VCEA Guidelines on the Engagement of Volunteers in Catholic Schools*
- *VCEA Guidelines on the Engagement of Contractors in Catholic Schools*
- *VCEA NDIS/External Providers: Guidelines for Schools*
- *VCEA Positive Behaviour Guidelines*

Catholic Education Office Ballarat (CEOB)

- CEOB: <https://ceob.edu.au/publications/child-protection/>

Catholic Education Sandhurst (CES)

- CES: <https://www.ceosand.catholic.edu.au/child-safety>

Melbourne Archdiocese Catholic Schools (MACS)

- CEM: <https://www.cem.edu.au/Our-Schools/Child-Safety.aspx>

OLMC Policies and Procedures

Review History:

Version	Date Released	Next Review	Author	Approved
1.0	March 2024	December 2024	Head of People and Culture	MEL Board